

Lento Tr.

1 PATRICK LENTO, M.D.

2 job responsibilities as an attending?

3 A. To direct the autopsy service  
4 and to oversee the education of the  
5 residents, specifically with regard to the  
6 autopsy service.

7 Q. Would you evaluate residents who  
8 would rotate through the autopsy service?

9 A. Yes, of course.

10 Q. What would be the purpose of  
11 evaluations that you would prepare for  
12 residents?

13 A. Monthly evaluations are standard  
14 procedure for the residency program, to  
15 provide an indication to the program how a  
16 resident was doing and to provide  
17 information to the resident how they were  
18 doing.

19 Q. With regard to the rotations, is  
20 there a set number of rotations that a  
21 resident has to complete each year in  
22 order to graduate successfully from the  
23 program?

24 A. The requirement is that they  
25 perform X number of months over the time

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2 period of their program, whether it's a  
3 three-year or four-year program.

4 Q. Dr. Lento, with regard to when  
5 you say that they would have to do X  
6 number of months of rotations, would  
7 residents -- if a resident was either  
8 marked as marginal or below average on an  
9 evaluation on a rotation, and we are  
10 talking just one rotation, would that  
11 prevent a graduation from the program?

12 A. Not necessarily, no.

13 Q. At what point would poor  
14 performance in rotations lead to  
15 ultimately preventing a resident from  
16 graduating from the program?

17 A. That would depend upon the  
18 circumstances of an individual resident  
19 and a decision by the program director and  
20 department.

21 Q. What would be the factors that  
22 would be considered?

23 A. Well, we look at certain  
24 competencies.

25 Q. Such as?

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2 A. Medical knowledge, patient care,  
3 professionalism, as a few examples.

4 Q. So as an attending, you would  
5 certainly evaluate the residents who would  
6 rotate when you were the director of  
7 autopsy in the autopsy service on all of  
8 those different competencies; is that  
9 correct?

10 A. Yes.

11 Q. For how long were you the director  
12 of autopsy?

13 A. Until I left in 2011.

14 Q. Did you assume any additional  
15 administrative responsibilities in  
16 addition to being the director of autopsy?

17 A. Yes, I did.

18 Q. What other administrative  
19 responsibilities did you assume, taking  
20 them in order chronologically?

21 A. I became program director.

22 Q. When did you become the program  
23 director? That would be the program  
24 director of the residency program?

25 A. That's correct.

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2 Q. When did you assume that  
3 responsibility?

4 A. That would be July 2010.

5 Q. Who did you succeed in the  
6 position?

7 A. The prior program director was  
8 James Strauchen.

9 Q. When is it that you left Mount  
10 Sinai?

11 A. In 2011.

12 Q. Why is it that you left?

13 A. I got another job.

14 Q. Were you encouraged to leave by  
15 someone?

16 A. No, sir.

17 Q. Where did you get another job?

18 A. At New York Medical College.

19 Q. What position did you assume?

20 A. Director of pathology education  
21 at the medical school.

22 Q. Was there a residency program at  
23 New York Medical College in pathology?

24 A. There is a residency at the  
25 affiliated Westchester Medical Center.

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2 Q. Were you the director of that  
3 program at Westchester Medical Center?

4 A. No, sir.

5 Q. What were your job responsibilities  
6 as program director of the residency program?

7 A. At Mount Sinai?

8 Q. Yes.

9 A. My job was to oversee the  
10 educational program for the residents.

11 Q. So what did you have to do to  
12 oversee the educational program?

13 A. Responsibilities would be to  
14 include the hiring of new residents,  
15 schedules, organization of the educational  
16 conferences, oversight of evaluation  
17 process, and as needed, the day-to-day  
18 operation.

19 Q. What did you do with regard to  
20 scheduling?

21 A. There are certain requirements  
22 that residents need to fulfill in order to  
23 be able to graduate. So our job is to  
24 assure that they are able to fulfill those  
25 requirements.

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2 Q. What are the requirements to  
3 graduate? Now we are just focusing only  
4 on the pathology residency program.

5 A. Yes. So in a four-year program,  
6 they are required to complete X number of  
7 months. There is a minimum number of  
8 autopsies that they are supposed to  
9 perform. And there are recommendations  
10 about potential areas of focus.

11 Q. With regard to the minimum  
12 number of autopsies, during the time  
13 period that the plaintiff was a resident  
14 at Mount Sinai Medical Center, how many  
15 autopsies were required in order to  
16 complete the program?

17 A. At the time, I believe it was 40  
18 or 50.

19 Q. Who would be tasked with the  
20 responsibilities of keeping track of  
21 whether or not the residents enrolled in  
22 the program would meet that minimum  
23 number?

24 A. It's the residents' job to track  
25 their cases and record them with the ACGME

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2 software program.

3 Q. So that task falls directly on  
4 the resident and not on any administrator  
5 to keep track of that?

6 A. That's the residents'  
7 responsibility.

8 Q. With regard to scheduling, you  
9 had said that you would have to ensure  
10 that residents would fulfill the  
11 requirements in order to complete the  
12 program. What would you do in order to --  
13 in terms of your day-to-day  
14 responsibilities, what tasks would you do  
15 to fulfill that obligation?

16 A. Specifically with regard to  
17 autopsies?

18 Q. Well, with regard to each one of  
19 these things that the residents would have  
20 to complete in order to graduate from the  
21 program.

22 A. I understand. Well, at the end  
23 of the year, you would assess each  
24 resident's let's say rotations and compare  
25 them to prior years to make sure that they



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2 are able to fulfill the requirements.

3 Q. In the rotations, would residents  
4 have electives?

5 A. Possibly.

6 Q. When you say possibly, when was  
7 it possible that residents would have  
8 electives in terms of rotation selection?

9 A. Sometimes if they chose a  
10 particular field of interest and wanted to  
11 investigate that further.

12 Q. Under what circumstances could  
13 there be a change in schedule where a  
14 resident could change from one elective to  
15 another after an elective was initially  
16 selected?

17 A. Well, in general, during the  
18 year that I was program director, we  
19 didn't really allow changes unless there  
20 were certain extenuating circumstances.

21 Q. What would be the extenuating  
22 circumstances?

23 A. If there was an illness, perhaps  
24 death in the family.

25 Q. Is it your testimony that there

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2 were no other circumstances beyond the  
3 extenuating circumstances that you  
4 identified that would have warranted a  
5 change in an elective once it was  
6 selected?

7 A. We would take each request as it  
8 was presented. And in general, we tried  
9 to maintain the schedule once it was  
10 completed and distributed. So there was a  
11 time period where we would allow residents  
12 to potentially make requests.

13 Q. What was that time period?

14 A. In general, that was June,  
15 before the start of the academic year in  
16 July.

17 Q. So let's deal first with the  
18 year that you were program director and in  
19 the June 2011 into July 2011 time period.  
20 Were there any residents who had requested  
21 a change in a rotation, in other words, to  
22 change out of one rotation to switch into  
23 a different rotation?

24 A. I guess I would answer that  
25 maybe in two parts. The first is I

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2 started in July. So at that point --

3 Q. Well, I'm talking 2011, not  
4 2010.

5 A. My apologies. Thank you for  
6 correcting that.

7 In 2011, I don't recall  
8 specifically, no.

9 Q. Let's talk about your entire  
10 tenure as program director. Excluding the  
11 plaintiff, was there anyone who switched  
12 rotations?

13 A. I don't recall.

14 Q. How many sick days would a  
15 resident be permitted? And this is,  
16 again, all these questions are during your  
17 time period as program director.

18 A. I believe there is a hospital  
19 policy concerning sick days. Approximately  
20 I think it's eight.

21 Q. During your tenure, do you know  
22 of any residents who exceeded the allotted  
23 eight number of sick days?

24 A. No, I don't know off the top of  
25 my head.

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2 Q. Do you know whether or not there  
3 were residents who exceeded the allotted  
4 number of sick days?

5 A. I do not know.

6 Q. Was there anyone who was tasked  
7 with keeping track of who exceeded the  
8 allotted number of sick days?

9 A. The person who typically tracked  
10 sick days was the program coordinator.

11 Q. During your tenure as program  
12 director, who was the program coordinator?

13 A. That was a woman named Allene  
14 Carter.

15 Q. Was Ms. Carter there during the  
16 entire duration of your tenure?

17 A. Yes, she was.

18 Q. As the program director, did you  
19 receive training with regard to Mount  
20 Sinai policies, human resources policies?

21 A. I'm sure I did at one point.

22 Q. What is the basis for that  
23 answer?

24 A. I believe that it's standard  
25 policy to educate all staff on policies of

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2 the staff.

3 Q. I'm talking about in your  
4 particular situation, do you have a  
5 specific recollection of someone from  
6 human resources sitting down with you and  
7 training you with regard to Mount Sinai's  
8 human resources policies?

9 A. I understand. No, I do not  
10 recall.

11 Q. Do you know whether or not there  
12 was any in-service training with regard to  
13 human resources policies when you were  
14 program director?

15 A. I don't recall any in-services.

16 Q. Did you have access to Mount  
17 Sinai's policies?

18 A. Yes.

19 Q. How would you be able to access  
20 them?

21 A. They could be accessed via the  
22 electronic version on the Mount Sinai  
23 intranet service. And I guess if I had a  
24 question, then it could be referred to the  
25 human resources office.

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2 Q. Was there any effort by the  
3 administration at Mount Sinai to track  
4 whether or not you actually logged into  
5 the intranet in order to review the  
6 policies?

7 A. I don't know that.

8 Q. Do you recall if you ever  
9 accessed the -- did you ever access the  
10 intranet to review the policies?

11 A. Yes. As a resident, I remember  
12 accessing policies, yes.

13 Q. How about as the program  
14 director? Did you ever access the  
15 intranet to access any policies?

16 A. Yes.

17 Q. Do you recall what policies you  
18 logged on when you were program director  
19 to access?

20 A. Policies related to the autopsy  
21 service or I should say policies related  
22 to hospital autopsies.

23 Q. Can you recall any other  
24 policies that you recall logging on to the  
25 intranet to review?

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2 A. That's all that comes to mind  
3 right now.

4 Q. Do you know whether or not Mount  
5 Sinai had a human resources policy with  
6 regard to anti-discrimination?

7 A. I'm sure that they did.

8 Q. Well, I'm not asking for you to  
9 assume. I'm asking whether or not you  
10 have a specific recollection whether or  
11 not Mount Sinai does or does not. And I  
12 should say this was during the period when  
13 you were program director.

14 A. I don't recall seeing the policy,  
15 no.

16 Q. How about an anti-harassment  
17 policy? Did Mount Sinai Medical Center  
18 when you were program director have an  
19 anti-harassment policy?

20 A. Yes, I believe they did.

21 Q. Do you recall seeing it?

22 A. I do not.

23 Q. How about an anti-retaliation  
24 policy? Do you recall whether or not  
25 Mount Sinai Medical Center had a specific

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2 anti-retaliation policy for reports under  
3 either the harassment or the discrimination  
4 policy?

5 A. I don't recall.

6 Q. Are you familiar with the  
7 document called a House Staff Manual?

8 A. Yes.

9 Q. When you were program director,  
10 did you have any involvement in the  
11 drafting of the House Staff Manual?

12 A. No, sir.

13 Q. Who drafted the House Staff  
14 Manual?

15 A. Can you clarify, please.

16 Q. I'm just talking about who wrote  
17 it. Do you know who wrote it?

18 A. Can I ask you a question?

19 MR. McEVOY: No.

20 Q. If you need a clarification, you  
21 certainly can. Go ahead.

22 A. I don't know who wrote it.

23 Q. Okay. When you were program  
24 director, were there any revisions to the  
25 House Staff Manual where you provided any



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2 input with regard to any revisions?

3 A. Again, I don't understand what  
4 you are specifically referencing.

5 Q. Well, let me take a step back.  
6 Are you familiar with a House Staff Manual  
7 for residents?

8 A. Yes.

9 Q. So what is your understanding of  
10 the House Staff Manual?

11 A. There is a hospital-based House  
12 Staff Manual.

13 Q. What is the purpose of it?

14 A. To provide guidance to the  
15 residents based upon their responsibilities  
16 and their role.

17 Q. Do you know whether or not there  
18 were any provisions within the House Staff  
19 Manual with regard to professionalism?

20 A. Yes, I believe there is.

21 Q. What is expected of residents  
22 with regard to standards of  
23 professionalism? Again, I'm using the  
24 present tense. But these questions just  
25 go to your time period as the program

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2 director.

3 A. I can't enunciate specifically  
4 what would have been written there, no.

5 Q. What was your understanding of  
6 what you as the program director expected  
7 of residents in terms of professionalism?

8 A. Yes. Professionalism would  
9 entail, I guess, a number of things,  
10 including your conduct or behavior,  
11 attitude and commitment to your position  
12 and to the hospital and to your patients.  
13 That would include personal responsibilities  
14 and your performance, specifically with  
15 regard to striving for excellence.

16 Q. Excluding the plaintiff, do you  
17 know whether or not there were any  
18 residents during your tenure as program  
19 director who received any form of  
20 discipline for a lack of professionalism?

21 A. No, sir.

22 Q. Let's talk about discipline for  
23 a moment. When you were program director,  
24 what was your understanding of the  
25 disciplinary procedure that was in place

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2 governing residents?

3 A. I think it has several levels.  
4 There is the individualized approach to a  
5 particular resident let's say where they  
6 might be spoken to. And then in general,  
7 there are much more formal ways of  
8 approaching discipline if it were to reach  
9 a certain level.

10 Q. Let's talk about the individualized  
11 approach. Who would determine whether or  
12 not the individualized approach would be  
13 utilized or the more formal ways of approach?

14 A. It depends upon the individuals  
15 involved in the circumstance or situation.

16 Q. Is the individualized approach  
17 articulated in writing anywhere that you  
18 are aware of for the period during which  
19 you were program director?

20 A. No, I don't believe so. You  
21 would speak with a resident if there were  
22 a particular issue, standard practice.

23 Q. When you would speak with a  
24 resident if you were taking the  
25 individualized approach, would you

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2 document that step or would it remain  
3 undocumented?

4 A. Personally? Not generally.

5 Q. Why is it that you would not  
6 document speaking to an individual using  
7 that approach?

8 A. If it were a first offense. If  
9 it were a relatively minor issue. We are  
10 there to train and educate the residents.  
11 And there are always missteps along the  
12 way. Our job is to try to guide the  
13 resident appropriately. So you would not  
14 document any misstep along what I just  
15 described. At least I wouldn't.

16 Q. Do you recall taking the  
17 individualized approach with any resident,  
18 and I'm going to exclude the plaintiff  
19 from this question, during your tenure as  
20 program director?

21 A. Yes, I'm sure that I did.

22 Q. Do you recall any specific  
23 circumstances where you used the  
24 individualized approach that you just  
25 described?

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2 A. I spoke with Dr. McCash after  
3 his altercation with Dr. Varughese.

4 Q. Anyone else?

5 A. You are asking me to recall  
6 specific instances?

7 Q. Yes.

8 A. At the current moment, I don't  
9 have an example.

10 Q. Besides Dr. McCash?

11 A. At the current moment.

12 Q. Going to the more formal way of  
13 approaching it, what was your  
14 understanding as program director as to  
15 the procedures?

16 A. If there was an issue that went  
17 beyond our ability to reconcile with the  
18 resident in the circumstances that we just  
19 discussed? Is that correct?

20 Q. Well, I'm just asking -- you had  
21 delineated that there were two different  
22 approaches to discipline. One was the  
23 individualized approach and one was the  
24 more formal way of approach. I'm asking  
25 about the more formal way of approach.

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2 What was your understanding as program  
3 direct of the formal way that you would  
4 approach discipline?

5 A. Thank you. A resident could be  
6 placed under academic advisement. And I  
7 believe a resident could be formally  
8 disciplined, which was different than an  
9 academic advisement. And potentially a  
10 resident could be dismissed.

11 Q. Now, you draw a distinction  
12 between academic advisement and formal  
13 discipline. With regard to formal  
14 discipline, what were the steps of formal  
15 discipline when you were program director?

16 A. A resident would receive a  
17 formal warning, generally in written  
18 format.

19 Q. Would there be any steps, in  
20 other words, an initial written warning, a  
21 second written warning? Or does it skip  
22 straight to suspension or probation or  
23 would it skip to termination? Were there  
24 any steps?

25 A. I don't believe that there was a

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2 requirement with regard specifically to  
3 going through individualized steps.

4 Q. But do you know whether or not  
5 individual steps were available?

6 A. Well, yes. As I outlined, the  
7 first would be to try to do something  
8 informal. And if you were to reach the  
9 point where you decided to move into a  
10 more formal situation, in my mind, it  
11 would require a referral to the graduate  
12 medical education office and consultation  
13 from them before proceeding.

14 Q. Right. But then after you would  
15 initiate formal discipline, what would be  
16 the steps that would be available after  
17 the initiation of formal discipline?

18 A. Well, I had never formally  
19 disciplined a resident beforehand. So I  
20 don't know that I can answer a question  
21 about specific steps.

22 Q. So you are making reference to  
23 the plaintiff, right, when you say  
24 "beforehand"?

25 A. No, sir.

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2 Q. What do you mean by beforehand?

3 A. Academic advisement is not a  
4 formal form of discipline. A discipline,  
5 in my mind, would be a resident who would  
6 be put on notice for potential probation.

7 Q. So let's talk about academic  
8 advisement for a moment. In your mind,  
9 academic advisement was not a form of  
10 discipline?

11 A. I didn't consider it discipline,  
12 no.

13 Q. Could a resident be expelled  
14 from the program if they did not comply  
15 with academic advisement?

16 A. Possibly, yes.

17 Q. So if academic advisement could,  
18 if there was noncompliance, result in  
19 termination from the program, why was it  
20 not considered discipline in your mind as  
21 the program director?

22 A. I saw it more as an educational  
23 experience for the resident.

24 Q. But an educational experience  
25 that could result in termination and end



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2 of the resident's career, correct?

3 A. Possibly.

4 Q. So back to my question. Why  
5 didn't you consider that to be  
6 disciplinary, then, if it could result in  
7 such drastic outcome if there was  
8 noncompliance?

9 MR. McEVROY: Objection. Asked  
10 and answered. You can answer it one more  
11 time.

12 A. Again, I considered it to be a  
13 form of education. What I anticipated  
14 would be if a resident did not completely  
15 satisfy the criteria of the academic  
16 advisement, that that could then lead to  
17 more formal disciplinary action, and that  
18 that could lead to termination.

19 Q. In all of the time that you were  
20 at Mount Sinai Medical Center, whether it  
21 be as a resident, as a fellow, as an  
22 attending or ultimately, and I understand  
23 you were still an attending when you were  
24 the program director, but upon your  
25 assumption of administrative

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2 responsibilities, do you know of anyone  
3 besides the plaintiff who was ever placed  
4 on academic advisement?

5 A. I'm not aware, no. I wouldn't  
6 have access to that information anyway.

7 Q. Well, I'm just asking whether  
8 you have personal knowledge of anyone.

9 A. I understand.

10 MR. WRONKO: Off the record.

11 (Discussion off the record.)

12 Q. We were talking about academic  
13 advisement before we left the record for a  
14 moment. Do you know whether or not there  
15 was any right of appeal from academic  
16 advisement?

17 A. I think a resident could challenge  
18 it.

19 Q. How so?

20 A. Verbally.

21 Q. Were there any formal appeal  
22 rights to an academic advisement?

23 A. I'm not aware off the top of my  
24 head.

25 Q. Could academic advisement be

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2 utilized as the first step in a disciplinary  
3 program? Strike that.

4 Was academic advisement utilized  
5 as the first step in a disciplinary  
6 program at Mount Sinai when you were  
7 program director?

8 A. I'm not aware of academic  
9 advisement as being a step in any process  
10 of discipline.

11 Q. When you were program director,  
12 were you aware of any problems in the  
13 gross room involving residents?

14 MR. McEVOY: Objection to the  
15 form. You can answer.

16 A. Can you clarify problems.

17 Q. Sure. How about residents  
18 pushing work off on other residents?

19 A. Specific individuals?

20 Q. Do you recall there being issues  
21 with regard to the gross room where  
22 residents would push work off on other  
23 residents?

24 A. The only specific instance I'm  
25 aware of is when Dr. Varughese had another

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2 resident perform the examination of  
3 specimens related to her incident in  
4 December 2010.

5 Q. As the program director, you  
6 were not aware of residents who would  
7 leave early from grossing?

8 A. No, sir.

9 Q. Were you aware of residents who  
10 would leave samples from one day to the  
11 next?

12 A. Not specific instances, no.

13 Q. Even if you weren't aware of  
14 specific instances, were you aware that  
15 that conduct was going on in the gross  
16 room?

17 MR. McEVOY: Objection to the  
18 form. You can answer.

19 A. That may have happened, yes.

20 Q. Were you aware of whether  
21 residents and gross room staff were at  
22 each other's throats at any point during  
23 the time that you were program director?

24 MR. McEVOY: Objection to the  
25 form. You can answer.

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2 A. That's an unusual way of  
3 phrasing something.

4 Q. Sure. Are you aware of anything  
5 like that?

6 A. No, sir.

7 Q. In August of 2010, were you the  
8 program director at that point?

9 A. Yes, I was. Although I had  
10 already accepted my new position.

11 MR. McEVOY: We are talking  
12 about August 2010.

13 THE WITNESS: My apologies.

14 A. August 2010. Yes, I was the  
15 program director. As I stated earlier, I  
16 started in July 2010.

17 Q. Are you familiar with an  
18 individual by the name of Roma Rosario?

19 A. Yes, sir.

20 Q. Who was Roma?

21 A. A physician's assistant.

22 Q. Did Roma work in the gross room?

23 A. Yes, she did.

24 Q. Were there any issues with  
25 Roma's work performance in the gross room?

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2 A. Not that I was aware of.

3 Q. Did you expect your chief  
4 residents to keep you up to speed with  
5 regard to performance issues with regard  
6 to physicians assistants?

7 A. I didn't oversee the physicians  
8 assistants, so no.

9 Q. Did you expect your chief  
10 residents to keep you apprised of whether  
11 there were performance issues?

12 MR. McEVOY: The witness just  
13 said no.

14 MR. WRONKO: I think he  
15 misunderstood my question.

16 Q. Do you understand my question  
17 now?

18 A. My expectation was that the  
19 chief residents would report to me about  
20 problems with regard to the residents.

21 Q. Who would supervise the physician  
22 assistants?

23 A. There was an attending in the  
24 department who oversaw the physician  
25 assistants.

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2 Q. In August of 2010, who was that?

3 A. I believe that was Dr. Nagi.

4 Q. Were you aware in August of  
5 2010 -- did you know a resident at that  
6 point whose first name was Jessica?  
7 Jessica French?

8 A. I did know Jessica French.

9 Q. Did you know whether Jessica  
10 French left early without properly  
11 communicating with the gross staff and  
12 wound up leaving a number of specimens for  
13 other people to gross?

14 A. No, sir.

15 Q. Let me show you what was marked  
16 as Pessin 1.

17 (Witness reviews document.)

18 Q. Do you recall ever seeing this  
19 email chain prior to today?

20 A. I do not.

21 Q. Just turning to the second page,  
22 Adrienne Jordan wrote an email, dated  
23 August 13, 2010, at 9:18 p.m. Was  
24 Adrienne Jordan at that point a PGY-2?

25 A. I believe she was.

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2 Q. Did you know Adrienne Jordan in  
3 August 2010?

4 A. She was a resident in our program.  
5 So yes.

6 Q. What interaction had you had  
7 with Adrienne Jordan leading up to August  
8 2010?

9 A. She was a resident in the  
10 program. So my interactions would have  
11 been related to the program, the education  
12 of the residents' rotations through our  
13 service.

14 Q. What was your perception of her  
15 as a resident?

16 A. I thought she was an intelligent,  
17 focused, disciplined resident.

18 Q. How is it that Adrienne Jordan  
19 became the head of moonlighting in the  
20 2010 year?

21 A. Can you say the question.

22 Q. How is it that Adrienne Jordan  
23 became the head of moonlighting as a  
24 PGY-2?

25 MR. McEVOY: I object to the



1 PATRICK LENTO, M.D.

2 form of the question. It presumes that  
3 she did.

4 Q. Did Adrienne Jordan become the  
5 head of moonlighting in her PGY-2 year?

6 A. Adrienne did organize the  
7 moonlighting service in conjunction with  
8 myself, the chief residents, the chairman  
9 of the department.

10 Q. But how did it come about that  
11 she was playing that role as a PGY-2?

12 A. I don't recall specifically.  
13 She may have volunteered.

14 MR. McEVROY: Don't guess.

15 Q. Going back to your email, which  
16 is on the second page, August 13, 2010,  
17 which was her email, she writes, "Yes, I  
18 do love work, but I also like sleep and  
19 getting home in time to puke my guts out  
20 so I can go to bed and get up tomorrow and  
21 do it over again."

22 Do you consider that type of  
23 email professional?

24 A. I think it was a joke.

25 Q. She goes on to write "I am going

1 PATRICK LENTO, M.D.

2 to try and cut through the BS. That's  
3 just me complaining and giving you guys  
4 the serious infractions that led to  
5 today's events."

6 Was Adrienne Jordan a complainer?

7 A. I didn't find her to be a  
8 complainer, no.

9 Q. Were you ever made aware of what  
10 she perceived to be serious infractions  
11 that she outlines in this email?

12 A. I do not recall this, no.

13 Q. I would assume you read what she  
14 wrote about Jessica French. Did you  
15 believe that Jessica French had acted  
16 inappropriately in the way that she had  
17 communicated with regard to her grossing  
18 shift?

19 A. I wasn't there. So this is  
20 based simply on the information that  
21 Adrienne is providing. It does sound like  
22 she spoke with several people on the team  
23 at the location at the time. One person  
24 was left out.

25 Q. Who was left out?

1 PATRICK LENTO, M.D.

2 A. One of the other residents.

3 Q. Do you know whether or not  
4 Jessica French was ever disciplined,  
5 whether it be informally or formally, with  
6 regard to this situation?

7 A. I do not believe that she was  
8 disciplined by me. No.

9 Q. Dr. Jordan goes on to write  
10 about Roma and that Roma was not dictating  
11 as she was moving along with her  
12 responsibilities. Had you ever been  
13 notified about that problem with Roma?

14 A. Can you repeat the question.  
15 (The question was read.)

16 A. I don't recall being  
17 specifically notified about that problem.

18 Q. How about any other problem with  
19 Roma? Were there any problems with Roma  
20 from a job performance standpoint or a  
21 professionalism standpoint?

22 A. There were issues, I believe,  
23 with all of the individuals in the gross  
24 room.

25 Q. Such as?

1 PATRICK LENTO, M.D.

2 A. At different times. You are  
3 dealing with humans who are working  
4 closely together on a daily basis under  
5 high-stress situations. And so on  
6 occasion there might be an argument  
7 perhaps. But, again, I did not oversee  
8 the physician assistants specifically.

9 Q. Excluding anything that might  
10 have involved the plaintiff in this  
11 situation, were you aware of anyone who  
12 had complaints with Roma?

13 A. I don't recall a specific  
14 complaint, no.

15 Q. You indicated that it's a  
16 high-stress environment. What makes it a  
17 high-stress environment?

18 A. We are dealing with patients,  
19 patient samples. This is patient care on  
20 a very busy service. We want to provide  
21 the best possible care that we can.  
22 Again, striving for excellence in our  
23 performance.

24 Q. How frequently would there be  
25 arguments in the gross room?

1 PATRICK LENTO, M.D.

2 A. I have no idea. That was not my  
3 service.

4 Q. Do you know whether or not it  
5 was commonplace for there to be arguments?

6 A. I'm not aware of it being  
7 commonplace, no.

8 Q. But would it happen on occasion?

9 A. I'm sure that it did.

10 Q. Do you have any knowledge as to  
11 what people would argue about in the gross  
12 room?

13 A. It could vary. I imagine --

14 MR. McEVOY: Don't guess.

15 Q. I've given you that instruction.  
16 Now you have had it three times. I expect  
17 it won't be given again.

18 MR. McEVOY: I will give that  
19 instruction every he tries to guess.

20 MR. WRONKO: You are feeding the  
21 witness. If you are going to do that, we  
22 will get the magistrate on the phone.

23 That was a specific and tactical  
24 instruction you have given. If the  
25 instruction is given again, we are getting

1 PATRICK LENTO, M.D.

2 the magistrate on the phone. He knows not  
3 to guess.

4 Q. Do you understand not to guess?

5 MR. McEVOY: Stop shouting.

6 A. My apologies.

7 MR. McEVOY: Stop shouting.

8 Q. You can proceed. Do you need  
9 the question read back?

10 A. Yes, please.

11 (The pending question was read.)

12 A. I can't give you a specific  
13 situation.

14 Q. Sure you can.

15 Let me ask you a question. With  
16 regard to the frozen and gross room  
17 fridges, do you know whether or not there  
18 were situations where there were misplaced  
19 specimens?

20 A. I don't recall an incident  
21 specifically.

22 Q. I'm not asking for you to  
23 identify a specific incident. But were  
24 there situations where there were  
25 specimens from flow cytometry being

1 PATRICK LENTO, M.D.

2 misplaced in the frozen gross room  
3 fridges?

4 A. The only thing that comes to  
5 mind is an incident involving Dr. Varughese.

6 Q. What was that incident?

7 A. To the best of my recollection,  
8 it was an incident in September 2010. I  
9 believe Dr. Varughese was on call for the  
10 frozen room. And there was an oncology  
11 specimen that she was involved with.

12 Q. Is that the extent of your  
13 knowledge?

14 A. I'm not aware of a specimen  
15 being misplaced. I know that there were  
16 issues about the specimen.

17 Q. What were the issues about the  
18 specimen?

19 A. My understanding was that the  
20 specimen may not have been appropriately  
21 handled.

22 Q. Who advised you of that?

23 A. Dr. Pessin.

24 Q. Did Dr. Pessin advise you as to  
25 what her basis of knowledge was for that

1 PATRICK LENTO, M.D.

2 statement?

3 A. She had received a complaint  
4 from a clinician related specifically to  
5 that specimen.

6 Q. Who was the clinician?

7 A. I have no idea.

8 Q. Do you know whether or not that  
9 complaint was ever verified?

10 A. I did investigate.

11 Q. What did you do to investigate?

12 A. I met with and spoke to  
13 Dr. Varughese. And I met with and spoke  
14 to one of the attendings that she had  
15 spoken with or dealt with that prior night  
16 while on call.

17 Q. Who was the attending?

18 A. Dr. Morotti.

19 Q. Tell me what Dr. Varughese told  
20 you.

21 A. She said it was a situation that  
22 her attending that she was paired with  
23 didn't necessarily appreciate how best to  
24 handle. I believe she was asked to speak  
25 with another attending.



1 PATRICK LENTO, M.D.

2 Q. What did Dr. Morotti tell you?

3 A. Dr. Morotti told me that Leena  
4 had spoken with her about the specimen.  
5 And it was my conclusion that although the  
6 specimen hadn't been ideally handled, that  
7 whatever the problem was was not solely  
8 the responsibility of Dr. Varughese.

9 Q. Let me show you what was marked  
10 as Pessin 2 at a prior deposition. I'll  
11 give you a moment to review that.

12 (Witness reviews document.)

13 Q. Who was Kruti Maniar?

14 A. Kruti was one of the chief  
15 residents during the academic year that  
16 this email was sent. She worked with the  
17 second chief resident.

18 Q. Did this chief resident ever  
19 advise you of the fact that there were  
20 specimens for flow cytometry being  
21 misplaced in the frozen gross room  
22 fridges?

23 A. I don't recall Dr. Maniar  
24 specifically telling me that.

25 Q. Did she advise you that there

1 PATRICK LENTO, M.D.

2 was a specimen that became too old to be  
3 used for flow because it had been  
4 misplaced?

5 A. I don't recall being notified of  
6 that.

7 Q. Would that be a concern for  
8 patient care?

9 A. Of course.

10 Q. Why?

11 A. The patient specimens are in a  
12 sense patients. And our objective is to  
13 provide diagnoses based on those specimens  
14 so that the patients can be cared for  
15 appropriately.

16 Q. Do you know whether or not  
17 residents in the gross room would store  
18 specimens under grossing stations?

19 A. Yes, sir. They would.

20 Q. Under what circumstances would  
21 they store specimens under grossing  
22 stations?

23 A. I believe two circumstances  
24 would be a specimen that has already been  
25 examined that might need to be further

1 PATRICK LENTO, M.D.

2 examined after the fact. Can I correct  
3 myself, please?

4 Q. Sure.

5 A. Three that really come to mind.  
6 One is a specimen that has been examined  
7 that might need to be examined again. A  
8 specimen that is being fixed so that the  
9 examination can occur much more  
10 appropriately at a later time. And a  
11 third is perhaps a specimen that might  
12 have some teaching value that would be  
13 used to educate others.

14 Q. When you say "fixed," are you  
15 referring to leaving a specimen in  
16 formalin?

17 A. Yes, sir.

18 Q. Would a breast sample typically,  
19 if it had significant fatty tissue, be  
20 left in formalin to be fixed?

21 A. It might be, yes.

22 Q. Was it typical to leave that  
23 type of a specimen in formalin overnight  
24 for it to be fixed?

25 A. It would depend on the

1 PATRICK LENTO, M.D.

2 circumstances of the specimen.

3 Q. Such as?

4 A. As one example, if you had a  
5 mastectomy for a breast tumor mass, then  
6 in general, no, you would not fix it and  
7 wait, because the tumor, it would  
8 generally be obvious at the time of  
9 examination. Again, that's an example.

10 Q. But if the tumor were not  
11 obvious at the time of examination, then  
12 it would be appropriate to fix it overnight  
13 in formalin?

14 A. In general, the sample would  
15 still be sampled at the time of  
16 examination. And if there were specific  
17 reasons to hold something over, then one  
18 might. But that would be based generally  
19 on the direction of the specific  
20 attendings who oversaw what I'll call the  
21 breast service.

22 Q. Not being a pathologist, what  
23 does fixing something in formalin do to a  
24 specimen? What is the purpose of fixing  
25 it in formal?

1 PATRICK LENTO, M.D.

2 A. It crosslinks the tissue. It  
3 makes it harder. And it allows for  
4 processing so that the slides can be made  
5 for examination on the microscope.

6 Q. What does it mean to gross a  
7 breast margin?

8 A. A margin is on a patient sample  
9 in a sense where a surgeon has made a cut.  
10 So in order to remove a piece of tissue,  
11 wherever the surgeon's scalpel had gone  
12 would be considered a margin.

13 Q. Would grossing a breast margin  
14 be considered complex work or would that  
15 be considered simple work in the world of  
16 grossing?

17 A. In general, relatively simple.

18 Q. For a PGY-3, is there much  
19 educational value in terms of grossing  
20 breast margins?

21 A. Yes, I believe there is. Of  
22 course. I think there is educational  
23 value in essentially everything that we do  
24 with regard to grossing.

25 Q. But aren't there gradients of

1 PATRICK LENTO, M.D.

2 educational value? At some point when you  
3 have someone who is more experienced in  
4 grossing, is there less educational value  
5 in terms of grossing breast margins?

6 A. One could make that argument.  
7 But again, I would say that it might  
8 depend on the individual you are asking  
9 that question of.

10 Q. Fair enough. Now, during the  
11 time that you were the program director,  
12 were moonlighters allowed to gross breast  
13 margins?

14 A. I don't know offhand.

15 Q. Who would know?

16 A. I guess I would say the director  
17 of the breast service.

18 Q. Who was that at the time?

19 A. Dr. Bleiweiss.

20 Q. When did you first have interaction  
21 with Dr. Varughese?

22 A. Her first month of residency.

23 Q. Was she in a rotation of yours?

24 A. Yes.

25 Q. What rotation was it?

1 PATRICK LENTO, M.D.

2 A. It was the autopsy service.

3 Q. How long was that service?

4 A. One month.

5 Q. Do you recall how she had  
6 performed in that service?

7 A. I think that she performed  
8 satisfactorily.

9 Q. After that autopsy service was  
10 completed, when was your next interaction  
11 with Dr. Varughese? I should say substantial  
12 interaction.

13 A. I would imagine it would be on  
14 my service at another time.

15 Q. Do you know whether or not she  
16 came through your service again during her  
17 first year of residency?

18 A. I'm sure she would have, yes.

19 Q. How many times would she have  
20 come through your service during her first  
21 year of residency?

22 A. That I don't know.

23 Q. Would it have been more than  
24 twice?

25 A. It may have been.

1 PATRICK LENTO, M.D.

2 Q. During the first year of her  
3 residency, did you come away with any  
4 impressions about Dr. Varughese?

5 A. Yes.

6 MR. McEVOY: Objection.  
7 Impressions about what?

8 Q. Impressions about her  
9 performance, her job performance as a  
10 resident.

11 MR. McEVOY: Fair enough.

12 THE WITNESS: Thank you.

13 A. From what I recall, I remember  
14 July of her first year of residency, Leena  
15 was obviously very intelligent. I thought  
16 that she was pleasant to work with. And I  
17 remember she often had a smile on her  
18 face.

19 Q. How about the second year of her  
20 residency? Did you have any interaction  
21 with her?

22 A. I may have.

23 Q. Sitting here today, do you have  
24 any recollection of any interaction with  
25 her during the second year of her



1 PATRICK LENTO, M.D.

2 residency?

3 A. I do not recall.

4 Q. Regardless of any interactions,  
5 do you recall any change in your  
6 perceptions of Dr. Varughese's work  
7 performance by the end of her second year  
8 of residency?

9 A. From what I recall, Dr. Varughese  
10 had some trouble following up on her cases  
11 on the autopsy service.

12 Q. Anything else?

13 A. That's all.

14 Q. Did any other residents have any  
15 problem similar to that in terms of  
16 following up on cases on autopsy?

17 A. Yes, there were. I can't give  
18 you a specific name. Not because I won't  
19 do it, but because I don't recall.

20 Q. Were Dr. Varughese's issues with  
21 regard to following up on cases on autopsy  
22 any more severe than any of her fellow  
23 residents or were they less severe or were  
24 they the same?

25 A. That I don't recall.

1 PATRICK LENTO, M.D.

2 Q. Do you have any recollection of  
3 giving her below satisfactory on any  
4 evaluations that you prepared for her  
5 during her second year?

6 A. I believe I may have, yes.

7 Q. But do you believe that any of  
8 the issues that she had on the autopsy  
9 service were serious enough to threaten  
10 her continuation in the program?

11 A. Perhaps if persistent, yes.

12 Q. Were those issues on the autopsy  
13 service persistent? Did they ever reach  
14 the point of being persistent?

15 A. I believe even in her third  
16 year, I was still trying to catch up on  
17 autopsy with her.

18 Q. Dealing only with the PGY-2s in  
19 Dr. Varughese's class, were there any  
20 other residents who you had to catch up on  
21 autopsy with?

22 A. I'm sure there were.

23 Q. Do you know whether or not Paul  
24 Azar was someone you had to catch up on  
25 autopsies with?

1 PATRICK LENTO, M.D.

2 A. That I don't recall.

3 Q. Do you know whether or not there  
4 was anything in your interactions with  
5 Dr. Varughese in her first or second year  
6 that would lead you to conclude that she  
7 needed to see a psychiatrist?

8 A. Referring back to my prior  
9 comment about her demeanor in July of her  
10 first year residency, I noticed a change  
11 in her demeanor. I don't know that that  
12 necessarily required referral to a  
13 psychiatrist.

14 Q. When did you notice a change in  
15 her demeanor?

16 A. It was probably a couple of  
17 months into first year.

18 Q. What was the change that you  
19 noticed?

20 A. She never seemed to smile anymore.

21 Q. Didn't you just testify that by  
22 the end of the first year, you had noted  
23 that she often had a smile on her face?

24 A. No. That was specifically  
25 during her first rotation.

1 PATRICK LENTO, M.D.

2 Q. So was that at all disturbing to  
3 you that she wasn't smiling?

4 A. Of course it would be upsetting.

5 Q. Did all of the other residents  
6 always smile in your presence?

7 A. That seems an odd question.  
8 Maybe I didn't phrase appropriately my  
9 description of her not smiling. She  
10 seemed distracted. When I would address  
11 her to say "Hello, Leena," she would not  
12 respond, which I thought was odd.

13 Q. Let's talk about the residency  
14 program for a moment for pathologists.  
15 How many hours a week would pathologists  
16 be expected to work?

17 A. Probably somewhere between 40  
18 and 60 hours.

19 Q. Was it a stressful residency for  
20 residents to have to go through?

21 A. Yes. I believe any residency is  
22 stressful.

23 Q. Why is it, as someone who has  
24 never, fortunately, gone through a  
25 residency, why would it be considered

1 PATRICK LENTO, M.D.

2 stressful for somebody to go through a  
3 pathology residency?

4 A. Well, I think first you have  
5 your own personal stress as an individual  
6 who is perhaps striving for excellence.  
7 You also have the stresses of the  
8 environment that you are in. Again, you  
9 are dealing with patients. And that's a  
10 very high-stress situation. Whether you  
11 are a pathologist or you are a surgeon,  
12 you are directly dealing with patients and  
13 their samples. And patient samples are  
14 not any different than having a patient in  
15 front of you, as far as I'm concerned.

16 Q. What about workload for a  
17 pathology resident? Was there a substantial  
18 workload?

19 MR. McEVOY: Objection to the  
20 form. You can answer.

21 A. We had a busy service. Yes.  
22 That was a good thing.

23 Q. How about the information that  
24 pathologists were required to retain in  
25 order to perform their job duties? There

1 PATRICK LENTO, M.D.

2 were a number of different specimens that  
3 they would have to analyze?

4 A. Yes, sir.

5 Q. Do you believe it's fair to say  
6 that there were a number of stresses that  
7 would arise out of the amount of information  
8 that would have to be retained?

9 A. Yes, sir.

10 Q. Did there ever come a point  
11 where you became aware that Dr. Varughese  
12 had written a negative evaluation with  
13 regard to either the program or about a  
14 rotation that she had gone through?

15 A. Yes.

16 Q. When did you first become aware  
17 that she had written a negative  
18 evaluation?

19 A. I don't recall the date.

20 Q. What do you recall of the  
21 evaluation?

22 A. I don't recall the evaluation  
23 itself.

24 Q. How did you become aware of the  
25 fact that she had written a negative

1 PATRICK LENTO, M.D.

2 evaluation?

3 A. Our program coordinator had  
4 indicated to me.

5 Q. Who was the program coordinator?

6 A. That was the program coordinator  
7 we referred to earlier, Allene Carter.

8 Q. Was she a doctor?

9 A. No, she was not.

10 Q. Did Ms. Carter -- when was it  
11 that Ms. Carter -- you don't recall when  
12 Ms. Carter brought that to your attention?

13 A. No, I do not.

14 Q. Was it close in time to when the  
15 evaluation was written by Dr. Varughese?

16 A. That I don't recall.

17 Q. And did Ms. Carter show you a  
18 copy of the evaluation?

19 A. I don't recall seeing a copy.

20 MR. WRONKO: Let's mark this.

21 (Plaintiff's Lento Exhibit 1  
22 marked for identification.)

23 Q. I've shown you what has been  
24 marked as Lento Exhibit 1. Do you have  
25 any recollection of having seen what

1 PATRICK LENTO, M.D.

2 appears at the bottom of the first page,  
3 carrying over to the second page?

4 MR. McEVOY: Are you referring  
5 to the evaluation?

6 MR. WRONKO: Correct.

7 Q. To the evaluation that appears  
8 on that document?

9 A. I don't recall.

10 Q. Did you discuss with  
11 Dr. Varughese the issue of her preparing a  
12 negative evaluation of a rotation after  
13 Ms. Carter brought it to your attention?

14 A. Yes.

15 Q. When did you discuss it with  
16 her?

17 A. I don't recall the date.

18 Q. This particular evaluation was  
19 for the period of August 2, 2010, to  
20 August 29, 2010. Does that refresh your  
21 recollection as to the general time period  
22 as to when you had a conversation with her  
23 about her evaluation?

24 A. Obviously it would have had to  
25 have been after the evaluation was



1 PATRICK LENTO, M.D.

2 completed.

3 Q. How long after the evaluation  
4 was completed?

5 A. I'm going to assume that it was  
6 within the six-month period of the  
7 evaluation.

8 Q. Why is it that Ms. Carter  
9 brought it to your attention? Do you have  
10 any knowledge as to why she brought it to  
11 your attention?

12 A. No. I think you would have to  
13 ask Ms. Carter a question about that.

14 Q. Okay. Were these evaluations  
15 supposed to be anonymous?

16 A. It is my understanding that yes,  
17 they should have been anonymous.

18 Q. So why in this particular  
19 instance was the anonymity not preserved?

20 A. It wasn't in this particular  
21 instance.

22 Q. Right. But do you know why it  
23 wasn't preserved in this instance?

24 A. I do not know why. This program  
25 was in place before I took over as program

1 PATRICK LENTO, M.D.

2 director. I didn't set up the program. I  
3 didn't even know that they were not  
4 anonymous.

5 Q. Were you upset with Dr. Varughese  
6 for having written a negative evaluation?

7 A. No, I wasn't upset with her. I  
8 asked her if she had given a negative  
9 evaluation and was curious to know why, so  
10 that we could try to work on improving  
11 things.

12 Q. What is a diatribe?

13 A. How do I define diatribe?

14 Q. Yes.

15 A. I guess it depends on the  
16 context. A diatribe is somebody who  
17 expounds on a circumstance perhaps more  
18 than might be necessary.

19 Q. Did you use that term in  
20 discussing the evaluation with  
21 Dr. Varughese in terms of asking her why  
22 she wrote a diatribe of an evaluation?

23 A. I don't recall saying that  
24 specifically, no.

25 Q. Had you ever followed up with

1 PATRICK LENTO, M.D.

2 any other resident about an evaluation  
3 that they had written about a rotation?

4 A. I don't recall, no.

5 Q. Do you recall there being a  
6 situation where Dr. Varughese had reported  
7 in September 2010 that she was berated and  
8 yelled at by Dr. McCash?

9 A. I do remember the incident, yes.

10 Q. What do you recall?

11 A. I was informed by Kruti Maniar,  
12 who was the female chief resident at the  
13 time, that there had been a problem with  
14 Leena. She, I believe, emailed me  
15 specifically about an incident and asked  
16 if she could meet with me and discuss it.

17 Q. When you say that Dr. Maniar  
18 said that there was a problem with Leena,  
19 was it that Leena had a problem or was  
20 there a problem with her? Do you understand  
21 the distinction?

22 A. Yes. I'm thinking.

23 Q. Sure.

24 A. I believe the problem was related  
25 to Dr. Varughese.

1 PATRICK LENTO, M.D.

2 Q. What did Dr. Maniar specifically  
3 tell you?

4 A. Leena had been asked in advance  
5 to help cover for another resident. And  
6 she refused to do so.

7 Q. Help cover what?

8 A. A service.

9 Q. Do you know whether every,  
10 excluding Dr. Varughese, every time a  
11 resident was asked to help cover another  
12 resident on a service whether there was  
13 100 percent compliance with requests?

14 A. I didn't make those requests.  
15 So I wouldn't know.

16 Q. The chief residents would know,  
17 correct?

18 A. In general, yes.

19 Q. So did you receive an email from  
20 Dr. Varughese about the incident?

21 A. If I recall correctly, maybe  
22 that night.

23 Q. So you were made aware of a  
24 situation by Dr. Maniar before you got an  
25 email from Dr. Varughese?

1 PATRICK LENTO, M.D.

2 A. Yes.

3 Q. Did Dr. Maniar report to you any  
4 interaction between Dr. Varughese and  
5 Dr. McCash prior to you receiving an email  
6 from Dr. Varughese?

7 A. Yes.

8 Q. So what did Dr. Maniar tell you  
9 about the interaction between Dr. Varughese  
10 and Dr. McCash?

11 A. Dr. Maniar emailed me about what  
12 had happened and asked if we could meet.  
13 And I said yes. So we met maybe late  
14 morning to discuss what happened.

15 Q. Do you recall anything about  
16 Dr. Maniar's email?

17 A. All I recall is that she said  
18 that there was an issue and that she  
19 wanted to meet to discuss it.

20 MR. WRONKO: There has been a  
21 lot of paper in this case. I don't know  
22 whether that email has been produced. I  
23 don't recall seeing it. If it has been  
24 produced, I would just ask for a Bates  
25 reference. If it has not, I would just

1 PATRICK LENTO, M.D.

2 ask that it be produced.

3 MR. McEVOY: As I've said  
4 before, put whatever requests you have in  
5 writing.

6 MR. WRONKO: Sure.

7 Q. With regard to the late morning  
8 meeting, who was present for that?

9 A. Just myself and Dr. Maniar.

10 Q. Tell me what was said.

11 A. I can't tell you verbatim.

12 Q. Okay. Give me an approximation  
13 of what was said.

14 A. Kruti indicated that Dr. Varughese  
15 had been asked to cover for another  
16 resident a couple of weeks down the road  
17 from the time, and she had refused.

18 Q. What did she say, if anything,  
19 about the interaction between Dr. Varughese  
20 and Dr. McCash?

21 A. At that time, I don't believe  
22 she said anything.

23 Q. What do you recall of the email  
24 from Dr. Varughese?

25 A. I believe Leena said that Sam

1 PATRICK LENTO, M.D.

2 had been inappropriate. I think she also  
3 asked to meet with me.

4 Q. Did you respond to her request?

5 A. Yes.

6 Q. How soon after she initially  
7 emailed did you respond to her?

8 A. I don't recall if I spoke with  
9 her or if I emailed her. My recollection  
10 is that the email came late. And I ended  
11 up meeting with Dr. Varughese I believe it  
12 was the following day.

13 Q. Let me show you what was  
14 previously marked as Defendant's Exhibit  
15 5. I'll give you a moment to review that.  
16 My question is whether or not this was the  
17 email that you were referring to from  
18 Dr. Varughese on September 14, 2010, at  
19 10:34 p.m.

20 (Witness reviews document.)

21 A. I don't know if this was the  
22 specific email she had sent to me.  
23 Obviously, my name is on it. I don't know  
24 if this is the specific one that you are  
25 referring to.

1 PATRICK LENTO, M.D.

2 Q. Do you recall any other emails  
3 that differed in content that Dr. Varughese  
4 had sent regarding this incident at the  
5 very -- immediately after -- not  
6 immediately after but in terms of her  
7 first communication after the incident had  
8 occurred?

9 A. No. She obviously iterates in  
10 this email her concern.

11 Q. Did this email raise any  
12 concerns in your mind about the violation  
13 of any policies that Mount Sinai had on  
14 the books with regard to resident conduct?

15 A. Any time anything is raised by a  
16 resident of this nature or any other  
17 serious nature, certainly would be a  
18 concern, yes. And that's why I asked to  
19 meet with Dr. Varughese.

20 Q. What specific policies do you  
21 believe that the allegations that  
22 Dr. Varughese made in the September 14,  
23 2010, email were implicated?

24 MR. McEVOY: Objection. You can  
25 answer.



1 PATRICK LENTO, M.D.

2 A. Well, it would be more of a  
3 professionalism or conduct issue.

4 Q. Is there ever a situation where  
5 it would be acceptable for a chief  
6 resident to speak to another resident to  
7 say "Shut up, shut up, shut up, Leena.  
8 Shut your mouth"?

9 A. No.

10 Q. Had you received any prior  
11 notification about any situation between  
12 Dr. Varughese and the PA Rob?

13 A. My recollection is that they had  
14 an altercation.

15 Q. When did you first become aware  
16 of that altercation?

17 A. I do not know.

18 Q. Did you become aware at the time  
19 that the altercation took place or was it  
20 sometime thereafter?

21 A. What I've told you is really all  
22 that I recall.

23 Q. Okay. Did you have any  
24 communications with Dr. Pessin-Minsley  
25 with regard to this complaint that

1 PATRICK LENTO, M.D.

2 Dr. Varughese had raised?

3 A. Yes.

4 Q. What was your first communication  
5 with Dr. Pessin-Minsley with regard to  
6 this situation?

7 A. So my recollection is that I met  
8 with Leena the following day. I had  
9 already met with Dr. Maniar on the day in  
10 question. The following day, I met with  
11 Dr. Varughese and Dr. Maniar together to  
12 discuss the situation. There was an  
13 additional issue that was raised related  
14 to the cytology specimen we discussed  
15 earlier.

16 Q. Let's just focus for a moment on  
17 that meeting with Dr. Varughese and  
18 Dr. Maniar. Can you tell me what  
19 Dr. Varughese said at the meeting?

20 A. She said that Sam yelled at her,  
21 embarrassed her.

22 Q. Anything else?

23 A. I don't have any written recording  
24 of the conversation specifically, no.

25 Q. Was she specific about what Sam

1 PATRICK LENTO, M.D.

2 was saying to her when they had that  
3 incident?

4 A. It was my understanding that Sam  
5 was frustrated with Dr. Varughese because  
6 she refused to cover when she was being  
7 asked to do so.

8 Q. Did Dr. Varughese report to you  
9 that Dr. McCash had said to her that she  
10 would never be successful?

11 A. I don't recall that specifically.

12 Q. Do you recall Dr. Varughese  
13 telling you that Dr. McCash said to her  
14 that no one liked her?

15 A. I don't recall that specifically.

16 Q. Would it ever be appropriate for  
17 a chief resident to say to a resident that  
18 they are going to be unsuccessful?

19 A. I don't think that that would be  
20 appropriate, no.

21 Q. How about saying that "No one  
22 likes you"? Would that ever be  
23 appropriate to say that?

24 A. I would not say that that would  
25 be appropriate.

1 PATRICK LENTO, M.D.

2 Q. What did Dr. Maniar say at the  
3 meeting?

4 A. You would have to ask Dr. Maniar  
5 specifically what she said. But I asked  
6 Dr. Maniar to be present because she was  
7 present at the time of the altercation.

8 Q. The time may come where I speak  
9 to Dr. Maniar. But right now you are  
10 here. I'd like to know your recollection  
11 of what Dr. Maniar said.

12 A. Yes, sir. Leena had said that  
13 Sam had yelled at her and embarrassed her.  
14 If I recall correctly, she may have said  
15 he screamed at her. And I said okay.

16 I asked Dr. Maniar if she agreed  
17 with that. And she did not corroborate  
18 that account. Again, my recollection is I  
19 asked -- Dr. Varughese had told me that it  
20 was so loud that obviously Dr. Pessin  
21 would have heard because her office was  
22 right next door and everybody out in the  
23 antechamber would have heard as well.

24 Q. Where was this incident that had  
25 occurred?

1 PATRICK LENTO, M.D.

2 A. Based on my understanding, it  
3 was a conference room on the eighth floor  
4 of the Icahn Building.

5 Q. Was Dr. Maniar there for the  
6 incident?

7 A. I believe she was, yes.

8 Q. What time of day did the meeting  
9 between yourself, Dr. Maniar and  
10 Dr. Varughese take place?

11 A. I don't recall the specific  
12 time. It was the following day.

13 Q. Let me show you what was  
14 previously marked as Defendant's Exhibit  
15 6. I'll give you a moment to review that.  
16 I'll represent to you it's an email, dated  
17 September 16, 2010, from Dr. Varughese to  
18 you.

19 (Witness reviews document.)

20 Q. Do you recall seeing this email?

21 A. No, sir.

22 Q. In it, Dr. Varughese writes the  
23 next day after she had sent the email as  
24 of 4:08 p.m. that she had not heard back  
25 from you, again raising the issue of a

1 PATRICK LENTO, M.D.

2 joint meeting with you and Dr. McCash.  
3 Does this email refresh your recollection  
4 as to the timing of when you met with  
5 Dr. Varughese and Dr. Maniar?

6 A. No, not necessarily.

7 Q. Do you know whether or not the  
8 meeting occurred on the evening of  
9 September 16 or was it sometime after  
10 that?

11 A. My recollection was that it was  
12 a Tuesday morning that the incident  
13 occurred. I could be wrong.

14 Q. Going back to -- actually going  
15 back to Defendant's Exhibit 5. If you  
16 could put that before you. This was an  
17 email, dated Tuesday, September 14, at  
18 10:34 p.m., when Dr. Varughese writes that  
19 she was yelled at this morning by  
20 Dr. McCash. So you are correct it was a  
21 Tuesday.

22 But going to Defendant's Exhibit  
23 6, it's two days later on Thursday,  
24 September 16, when Dr. Varughese was  
25 following up.

1 PATRICK LENTO, M.D.

2 Do you know why there was a  
3 delay between you reaching out to  
4 Dr. Varughese and her email on Defendant's  
5 Exhibit 5?

6 MR. McEVOY: Defendant's Exhibit  
7 5 or Defendant's Exhibit 6?

8 MR. WRONKO: Let me rephrase  
9 that.

10 Q. Do you know why there was a  
11 delay in terms of responding to  
12 Dr. Varughese's initial email on  
13 Defendant's Exhibit 5 all the way through  
14 Thursday, September 16 as of 4:08 p.m.?

15 MR. McEVOY: Objection to the  
16 form. The witness said he met with them  
17 on the next day after the email.

18 Q. If in fact you had met with  
19 Dr. Varughese the next day, that would  
20 have been September the 15th. Why is it  
21 that Dr. Varughese would have written you  
22 "I haven't heard back regarding my  
23 complaint on Sam about his shouting and  
24 inappropriate comments"?

25 A. That would be for Dr. Varughese

1 PATRICK LENTO, M.D.

2 to answer.

3 Q. Does that refresh your  
4 recollection that the meeting did not, in  
5 fact, take place on September 15?

6 A. No. Again, I do not believe  
7 that this helps clarify.

8 Q. Was this email on Defendant's  
9 Exhibit 6 an attempt by Dr. Varughese to  
10 follow up after the meeting?

11 A. It may have been, yes.

12 Q. Because I do see in the re line  
13 "Meeting follow-up." So I apologize for  
14 that.

15 A. No problem.

16 Q. Did you, in fact, follow up with  
17 Dr. Varughese after the meeting in  
18 accordance with this email, dated  
19 September 16th?

20 A. Specifically, I don't recall.

21 Q. Take me through whatever steps  
22 you had taken with regard to this incident  
23 in addition to meeting with Dr. Maniar and  
24 Dr. Varughese. Did you do anything else?

25 A. So Leena made an assertion



1 PATRICK LENTO, M.D.

2 during the meeting I had with her and  
3 Dr. Maniar that obviously, as we  
4 discussed, Sam had yelled at her.  
5 Something to the effect that she was being  
6 perhaps singled out for coverage.

7 My recollection is that she said  
8 something about everyone being against  
9 her. And I remember telling Leena that if  
10 she thought everybody was against her,  
11 that it's possible, then, that the problem  
12 wasn't necessarily everyone else. Perhaps  
13 it was her. And she might want to  
14 consider reflecting on the situation and  
15 consider that, you know, maybe she would  
16 bear some of the responsibility.

17 I also told Dr. Varughese at  
18 that time of the meeting that I would meet  
19 and speak with Dr. McCash. But I don't  
20 recall specifically indicating to  
21 Dr. Varughese that I would get back to her  
22 about anything in particular.

23 Q. Did you tell her at that meeting  
24 that sometimes people yell?

25 A. I don't recall using that

1 PATRICK LENTO, M.D.

2 phraseology specifically.

3 Q. Let's go beyond this particular  
4 meeting. Did you ever tell Dr. Varughese  
5 in response to any complaint that she had  
6 made that sometimes people yell?

7 A. I would have indicated that a  
8 resident may have been reprimanded. And  
9 it's possible that I said might have been  
10 yelled at.

11 Q. Well, that's not my question.  
12 My question is whether or not you ever  
13 said with regard to someone who had raised  
14 their voice at Dr. Varughese that sometimes  
15 people yell.

16 A. Again, I think that that's  
17 asking me to specifically remember every  
18 word that I said. And I just can't  
19 confirm that.

20 Q. Did you ever tell Dr. Varughese  
21 that the residency program is a dysfunctional  
22 family?

23 A. That's not an analogy I would  
24 make. I may have referenced it. But  
25 that's not an analogy I would have made.

1 PATRICK LENTO, M.D.

2 Q. You specifically recall  
3 Dr. Varughese indicating that she felt she  
4 was being singled out?

5 A. She just said that everyone was  
6 against her.

7 Q. She didn't say that she was  
8 being singled out for coverage?

9 A. No. That wasn't the impression  
10 I got. And I don't believe that was what  
11 she intended.

12 Q. But I thought that you had just  
13 previously testified that she had said  
14 that she felt she was being singled out  
15 for coverage. She didn't say that?

16 MR. McEVOY: Objection. That's  
17 not what the witness said.

18 MR. WRONKO: We can go back to  
19 the transcript.

20 MR. McEVOY: We can.

21 MR. WRONKO: I'm not hallucinating.

22 A. I don't recall that she was  
23 specifically saying that she was being  
24 singled out for coverage.

25 Q. Did you speak with anyone from

1 PATRICK LENTO, M.D.

2 GME with regard to this incident?

3 A. I don't recall doing that, no.

4 Q. Did you speak with Dr. Barnett?

5 A. I don't recall speaking to  
6 Dr. Barnett about this, no.

7 Q. Let me show you what was marked  
8 as Pessin Exhibit 3.

9 (Witness reviews document.)

10 Q. Do you recall receiving this  
11 email from Dr. Pessin-Minsley as of  
12 September 15, 2010?

13 A. I do recall communication with  
14 Dr. Pessin-Minsley. I'm not sure if it  
15 was an email or not. Because I did speak  
16 with her as well.

17 Q. She writes "This whole thing  
18 needs to be brought to Scott's attention."

19 Did you have any communications  
20 with Dr. Pessin-Minsley about involving  
21 Scott Barnett in this particular situation?

22 A. I did speak with her. She is  
23 referring, I believe, specifically to the  
24 incident regarding the mishandled cytology  
25 specimen that she references here.

1 PATRICK LENTO, M.D.

2 Q. Did you speak with Dr. Barnett  
3 about the mishandled cytology specimen?

4 A. I do not recall speaking with  
5 Dr. Barnett. At that time, I did not  
6 think that Dr. Barnett needed to be  
7 involved.

8 Q. Do you know whether or not  
9 anyone from GME was involved with this  
10 incident?

11 A. I don't know.

12 Q. When was it that you spoke with  
13 Dr. McCash or did you speak with  
14 Dr. McCash about this incident?

15 A. Yes. I don't know specifically  
16 when. But I did speak with Dr. McCash.

17 Q. Who was present when you met  
18 with Dr. McCash?

19 A. Just Dr. McCash.

20 Q. Did you maintain any notes from  
21 your meeting with Dr. McCash?

22 A. Not at the time, no.

23 Q. What do you mean not at the  
24 time? Did you ever generate any notes  
25 about that meeting?

1 PATRICK LENTO, M.D.

2 A. Yes, I did. I generated some  
3 notes from the meeting with Dr. Varughese  
4 and Dr. Maniar. I jotted down some things  
5 that were in a sense a reminder to me  
6 about, you know, speaking with Sam.

7 Q. Did you retain those notes?

8 A. Yes.

9 MR. WRONKO: I'll follow up with  
10 a letter to make sure those notes were  
11 produced.

12 Q. Tell me what was said at your  
13 meeting with Dr. McCash.

14 A. I don't think I can give you  
15 specifically what happened. We are  
16 talking about a number of years ago.

17 Q. Your best recollection.

18 A. Sure. Dr. McCash was chief  
19 resident with Dr. Maniar. He had started  
20 officially in July of that year, which was  
21 2010. This incident had happened the  
22 beginning of September. So he was  
23 relatively new to the position. The  
24 purpose of the meeting was in a sense to  
25 educate Dr. McCash about how to

1 PATRICK LENTO, M.D.

2 potentially address, you know, similar  
3 situations.

4 Q. Tell me what was said at the  
5 meeting. Do you recall Dr. McCash saying  
6 anything to you at the meeting?

7 A. I don't recall what he said, no.

8 Q. Did you believe at that point  
9 that Dr. McCash had mishandled his  
10 interactions with Dr. Varughese?

11 A. It was his job as the chief  
12 resident to oversee the resident pool. If  
13 he did, in fact, yell, that may not have  
14 been appropriate. And my job I felt at  
15 that point was to educate Dr. McCash about  
16 how to handle similar situations in the  
17 future.

18 Q. Would you consider your  
19 conversation with Dr. McCash as being an  
20 informal disciplinary meeting, akin to  
21 what you had previously described as being  
22 an informal process, versus a formal  
23 process of discipline?

24 A. Well, my recollection was that  
25 based on my investigation, the facts did

1 PATRICK LENTO, M.D.

2 not corroborate with what Dr. Varughese  
3 had said about the screaming such that it  
4 was heard obviously throughout the area.  
5 I spoke with Dr. Pessin-Minsley and she  
6 said she heard nothing. She spoke with  
7 her staff. They all said they heard  
8 nothing.

9 So it was my feeling at the time  
10 that while he may not have had the best  
11 interaction with Dr. Varughese that this  
12 was an educational point, whether or not  
13 it had specifically been as Dr. Varughese  
14 had laid out. Again, I thought it was an  
15 educational opportunity.

16 So yes, it was a one-on-one  
17 interaction.

18 Q. Did you ask Dr. McCash to write  
19 a self-reflection?

20 A. No, sir.

21 Q. Did you ask Dr. McCash to read a  
22 book on professionalism?

23 A. No, sir. Nor did I ask  
24 Dr. Varughese based on the incident to do  
25 the same.



1 PATRICK LENTO, M.D.

2 Q. Why is it with regard to his  
3 interaction with Dr. Varughese that you  
4 did not ask Dr. McCash to write a  
5 self-reflection?

6 A. Again, based on my investigation,  
7 it didn't seem to corroborate Dr. Varughese's  
8 account of the story. So under those  
9 circumstances, I felt that the best course  
10 of action was to speak with Sam and  
11 educate him about how best to handle  
12 himself in future situations.

13 Q. When you were investigating the  
14 situation, were you solely trying to find  
15 out whether or not Dr. McCash's voice had  
16 carried beyond the conference room or were  
17 you actually trying to find out whether he  
18 had raised his voice, regardless of  
19 whether it was heard down the hall?

20 A. I was trying to find an account  
21 of what had happened from the people who  
22 were apparently involved. And I asked  
23 Dr. Maniar at the meeting with Dr. Varughese  
24 if she agreed with what Dr. Varughese was  
25 saying. And she said no. She pointedly

1 PATRICK LENTO, M.D.

2 said to Dr. Maniar.

3 Q. Did you attempt to speak with  
4 any other witnesses from that particular  
5 incident?

6 A. I wasn't aware that there were  
7 other witnesses.

8 Q. Did you ask any of the people  
9 who you spoke to how many people were in  
10 the room and who was there?

11 A. I don't recall.

12 MR. McEVOY: When you are done  
13 with this line, can we take a break?

14 MR. WRONKO: Let's take a break  
15 now. That's fine.

16 (Recess: 11:48 to 11:59 a.m.)

17 BY MR. WRONKO:

18 Q. We are back on the record. You  
19 are still under oath.

20 Did you expect all female residents  
21 to smile all the time?

22 A. No, sir.

23 Q. Did Dr. Maniar say at the  
24 meeting with Dr. Varughese about that  
25 incident in September 2010 with Dr. McCash

1 PATRICK LENTO, M.D.

2 that Dr. McCash was out of line or acted  
3 inappropriately?

4 A. I don't recall her saying that,  
5 no.

6 Q. After that incident leading up  
7 to December the 8th, do you have any  
8 knowledge of Dr. Varughese's job performance?

9 A. No, sir.

10 Q. What was expected at that point  
11 with regard to conference attendance of  
12 residents? We are talking late 2010.

13 A. Conferences? There are  
14 educational conferences that are part of  
15 the residency. I assume that's what you  
16 are referring to.

17 Q. Yes.

18 A. Residents were expected to  
19 attend conference. It is part of their  
20 educational program.

21 Q. Do you know whether or not  
22 Dr. McCash had to send out a resident-wide  
23 email with regard to poor attendance by  
24 residents at the conferences during that  
25 period of 2010?

1 PATRICK LENTO, M.D.

2 A. I don't have a recollection of  
3 that, no.

4 Q. Do you recall there being a  
5 problem with resident attendance at those  
6 conferences?

7 A. Yes.

8 Q. What was the problem that you  
9 recall?

10 A. Attendance issue. That's the  
11 problem.

12 Q. Did you do anything at that time  
13 to address that issue?

14 A. Yes.

15 Q. What did you do?

16 A. We reinforced the policy,  
17 unwritten policy that the residents were  
18 required to attend their educational  
19 conference.

20 Q. Was anyone disciplined because  
21 of failure to attend conference from that  
22 period of 2010 through June 2011?

23 A. No formal discipline.

24 Q. Any informal discipline?

25 A. I'm sure that there was, yes.

1 PATRICK LENTO, M.D.

2 Q. Do you recall who received  
3 informal discipline?

4 A. No, sir.

5 Q. Do you know who administered  
6 that informal discipline?

7 A. It would have been a reminder  
8 from the chief residents and a referral to  
9 me if it were persistent.

10 Q. Did you receive any complaints  
11 about Dr. Varughese from anyone between  
12 September 15, 2010, and December 7, 2010?

13 A. I don't recall.

14 Q. Where were you during the week  
15 of December 8, 2010? Were you at the  
16 hospital or were you elsewhere?

17 A. During the week?

18 Q. Yes. Let's just keep it  
19 December 8 through December 10th, 2010.

20 A. I was away at a meeting.

21 Q. Where was your meeting?

22 A. I believe it was in California.

23 Q. At that point in 2010, were you  
24 able to check emails when you were away?

25 A. I don't recall at that particular

1 PATRICK LENTO, M.D.

2 time.

3 Q. Do you recall on that particular  
4 trip reviewing any emails that had come  
5 in?

6 A. I don't remember.

7 Q. When was the very first time  
8 that you had heard that there was an  
9 incident between Dr. Varughese and  
10 Dr. McCash on December 8?

11 A. I don't remember the specific  
12 day.

13 Q. Do you recall whether it was on  
14 the same day of the incident or some day  
15 after that?

16 A. I believe it was some day after  
17 the actual incident.

18 Q. How did you find out about it?

19 A. I believe it was by email.

20 Q. Whose email?

21 A. Well, there were several emails.  
22 I don't recall who sent the first email.

23 Q. When you returned to the  
24 hospital, did you meet with anybody about  
25 the incident that had occurred on December

1 PATRICK LENTO, M.D.

2 the 8th?

3 A. Yes, sir.

4 Q. Who did you meet with?

5 A. I met with Dr. Pessin.

6 Q. Was anyone else present?

7 A. I don't believe so at the time,  
8 no.

9 Q. Tell me what the two of you  
10 discussed.

11 A. We discussed the incident that  
12 had occurred that you referred the prior  
13 week. Melissa had -- Dr. Pessin had  
14 indicated to me that she had already been  
15 investigating.

16 Q. Anything else?

17 A. I believe she indicated that she  
18 had already spoken to the GME office and  
19 legal.

20 Q. Did she tell you why she had  
21 already spoken with the GME office?

22 A. I don't recall her giving me a  
23 specific explanation.

24 Q. Who did she speak to at the GME  
25 office?

1 PATRICK LENTO, M.D.

2 A. I don't know.

3 Q. When she said that she had  
4 already spoken to legal, was she explicit  
5 about who she had spoken to?

6 A. No, sir.

7 Q. Subsequent to that conversation,  
8 did you learn who was involved from the  
9 GME office?

10 A. I don't recall.

11 Q. What did Dr. Pessin say that she  
12 had done to investigate the situation?

13 A. I think the details would have  
14 to come directly from Dr. Pessin.

15 Q. So you have no recollection of  
16 her advising you about what she had  
17 already done to investigate the situation?

18 A. I don't remember the specific  
19 details at this time.

20 Q. Do you know who it was who she  
21 had interviewed at that time?

22 MR. McEVROY: Objection to the  
23 form. You can answer.

24 A. I believe she had met with  
25 Dr. Varughese. I don't know if she met



1 PATRICK LENTO, M.D.

2 with any of the others at that point.

3 Q. At that point in time, what  
4 position did Dr. Pessin-Minsley hold?

5 A. She was the chairwoman of the  
6 department, interim chairwoman.

7 Q. Who did she succeed in that  
8 position?

9 A. Dr. Schiller.

10 Q. When did that change occur from  
11 Dr. Schiller to Dr. Pessin-Minsley?

12 A. I don't remember the specific  
13 month.

14 Q. Do you have any knowledge as to  
15 why Dr. Schiller was no longer the chair  
16 of the department?

17 A. He stepped down.

18 Q. Do you know any of the  
19 circumstances of why he stepped down?

20 A. I don't have any details.

21 Q. Did Dr. Pessin-Minsley share any  
22 of her notes with you from any of the  
23 interviews that she had conducted in your  
24 absence?

25 A. I don't remember reading notes.

1 PATRICK LENTO, M.D.

2 Q. After you met with Dr. Pessin-  
3 Minsley was there any further investigation  
4 beyond what she had done?

5 A. Yes.

6 Q. What further investigation was  
7 there?

8 A. She had indicated she had  
9 already started the investigation. And  
10 she asked me to interview some of the  
11 people who were present at the time of the  
12 altercation.

13 Q. Had Dr. Pessin-Minsley shared  
14 any initial thoughts with you as to who  
15 was right or who was wrong in that  
16 particular incident?

17 MR. McEVOY: Objection to the  
18 form. You can answer.

19 A. I don't recall her having a  
20 conclusion at that time, no.

21 Q. What was your understanding of  
22 what you were investigating?

23 A. An altercation that occurred on  
24 the surgical service during the time  
25 period that I was away involving Leena and

1 PATRICK LENTO, M.D.

2 Dr. McCash and several other people.

3 Q. At the time that you began the  
4 investigation, what was your understanding  
5 of what happened during the altercation?

6 A. My understanding was that Leena  
7 was on the surgical service. Dr. McCash  
8 had spoken with her about certain samples  
9 that needed to be done. There was a  
10 request from Dr. McCash to Dr. Varughese  
11 not to let anybody else, such as a  
12 moonlighter, to handle the samples. And  
13 that subsequent to that, Dr. Varughese had  
14 apparently given samples that were  
15 discussed to the moonlighter. Dr. McCash  
16 had become aware and confronted Dr. Varughese  
17 about it.

18 Q. At the outset of your  
19 investigation, did you know what types of  
20 samples were in question?

21 A. The only thing that I recall  
22 specifically was a breast type of sample.  
23 I don't know if there were others.

24 Q. Do you know whether or not the  
25 samples that were delegated by Leena

1 PATRICK LENTO, M.D.

2 Varughese were breast margins?

3 A. That I don't know offhand, no.

4 Q. Did you ever find out during the  
5 course of your investigation whether they  
6 were breast margins?

7 A. I don't recall, no.

8 Q. Wouldn't it have been important  
9 in terms of your investigation to find out  
10 specifically what types of samples they  
11 were?

12 A. I don't think so, no.

13 Q. Wouldn't you agree that, depending  
14 on the sample, the level of complexity  
15 would certainly vary?

16 A. But the decision about what  
17 needed to be done was indicated from the  
18 chief resident to the resident. So there  
19 was a very specific communication about  
20 what needed to be done and how it should  
21 be approached, regardless of any  
22 presumption of what should be done. There  
23 was a specification about it.

24 Q. Let's talk about that for a  
25 moment. You, of course, went through your

1 PATRICK LENTO, M.D.

2 own residency?

3 A. Yes, sir.

4 Q. You were a fellow. And then you  
5 ultimately became an attending physician  
6 and then became the director of the  
7 program. During the course of all of that  
8 experience, did you develop any opinions  
9 as to whether or not chief residents  
10 should micromanage residents in the way  
11 that they perform their responsibilities?

12 A. I don't know that that's  
13 necessarily micromanaging them.

14 Q. Well, do you know whether or not  
15 Dr. McCash gave on any other occasions  
16 very specific instructions as to which  
17 samples could or could not be grossed by a  
18 resident who was doing grossing who also  
19 had moonlighters available?

20 A. I'm not aware.

21 Q. Do you know whether at that  
22 point in time there was any change in  
23 terms of the -- I'm sorry.

24 Do you know whether or not at  
25 that time, December 8, 2010, whether or

1 PATRICK LENTO, M.D.

2 not there was a change in grossing where  
3 the residents were not to be receiving  
4 samples from attendings to perform  
5 grossing on? In other words, was there a  
6 change to an attending-only program? Do  
7 you understand that?

8 A. I understand the question. I  
9 don't remember when that system was put  
10 into place.

11 Q. Did you investigate whether or  
12 not that system was in place at the time  
13 of that incident?

14 A. No, sir.

15 Q. How about a situation -- how  
16 about a change of procedure in terms of  
17 whether or not residents were permitted to  
18 split samples? Was there ever a change  
19 away from residents being permitted to  
20 split samples with other people who were  
21 grossing, such as moonlighters?

22 A. There may have been.

23 Q. Did you investigate that as part  
24 of your investigation?

25 A. I did not.

1 PATRICK LENTO, M.D.

2 Q. Isn't it your responsibility as  
3 the program director to know what specific  
4 procedures for grossing were in place,  
5 whether or not the attending-only program  
6 was in place, whether residents were  
7 permitted to split samples or not?

8 A. I just don't recall.

9 Q. Now, what was your understanding  
10 at the beginning of your investigation as  
11 to what occurred when Dr. McCash had  
12 confronted Dr. Varughese?

13 A. My understanding was that  
14 Dr. Varughese became very loud,  
15 inappropriate, and threatening to those in  
16 the immediate area, and then subsequently  
17 outside the immediate area.

18 Q. Did you have any understanding  
19 of the manner in which Dr. McCash had  
20 raised his concerns with Dr. Varughese  
21 prior to Dr. Varughese becoming very loud,  
22 inappropriate and threatening?

23 A. My understanding was that  
24 Dr. McCash was firm and explicit, but not  
25 inappropriate.

1 PATRICK LENTO, M.D.

2 Q. How did you develop that  
3 understanding at the time of the beginning  
4 of your investigation?

5 A. Through a combination of email  
6 accounts of what had happened that were  
7 sent, as well as my direct interview, if  
8 you will, of some of those either involved  
9 or in the area.

10 Q. My question, though, goes to  
11 before you began conducting interviews.  
12 Did you have that understanding that  
13 Dr. McCash was firm and explicit but not  
14 inappropriate prior to conducting your own  
15 interviews?

16 A. That was my understanding.

17 Q. Did you believe, coming into  
18 this incident to investigate it, that  
19 Dr. McCash and Dr. Jordan had greater  
20 credibility in your mind than Dr. Varughese?

21 A. No, sir.

22 Q. So why is it that you would have  
23 an understanding that Dr. McCash was firm  
24 and explicit but not inappropriate prior  
25 to you conducting your own interviews?



1 PATRICK LENTO, M.D.

2 A. Based upon emails I had received  
3 and my conversation with Dr. Pessin, who  
4 had indicated that she had already started  
5 the investigation.

6 Q. Was that Dr. Pessin's viewpoint,  
7 that Dr. McCash was firm and explicit but  
8 not inappropriate?

9 A. I don't recall her specifically  
10 telling me that.

11 Q. But in terms of email accounts,  
12 had you received an email account from  
13 Dr. Varughese?

14 A. Yes, sir.

15 Q. So are you telling me that you  
16 believed certain email accounts but not  
17 other email accounts at the point in time  
18 that you began your own investigation?

19 A. That was my understanding. The  
20 point of the investigation was to try to  
21 hash out the facts and make a determination.

22 Q. So had you prejudged this  
23 investigation prior to conducting  
24 interviews?

25 A. Not a prejudgment.

1 PATRICK LENTO, M.D.

2 Q. Let me show you what was marked  
3 as Pessin Exhibit 7. I'll give you a  
4 moment to read that.

5 (Witness reviews document.)

6 Q. Are you ready?

7 A. Yes.

8 Q. I've shown you what has been  
9 marked as Pessin Exhibit 7. I want to  
10 focus on the top email on the first page  
11 where Dr. Pessin-Minsley, even though it's  
12 directed to Dr. Bleiweiss your carbon  
13 copy, says, "Actually Pat, you need to  
14 speak with me first when you get back."  
15 She says, "This is actually a very big  
16 deal from a number of perspectives and I  
17 need to provide you with all of the  
18 implications of the situation."

19 Did she explain to you why she  
20 believed it was a very big deal?

21 A. Yes, I believe she did.

22 Q. What was her explanation?

23 A. To summarize, there was a  
24 behavioral outburst by Dr. Varughese. And  
25 she had subsequently left the area without

1 PATRICK LENTO, M.D.

2 finishing her duties as a resident.

3 Q. Did she tell you what she felt  
4 were all of the implications of the  
5 situation?

6 MR. McEVOY: She being Dr. Pessin-  
7 Minsley?

8 MR. WRONKO: Correct.

9 A. No, sir.

10 Q. Let me show you what was marked  
11 as Pessin Exhibit 4. I'd like to draw  
12 your attention specifically to the email,  
13 dated December 8, 2010, 8:17 p.m., from  
14 Samuel McCash, to you, Dr. Pessin-Minsley  
15 and a number of other individuals.

16 MR. McEVOY: I would instruct  
17 you to read the entire exhibit.

18 (Witness reviews document.)

19 Q. Is this email that appears on  
20 December 8, 2010, one of the emails that  
21 you had previously testified to that  
22 advised you of the fact that an incident  
23 had occurred?

24 A. Can you repeat that question.

25 Q. Sure. Is this one of the emails

1 PATRICK LENTO, M.D.

2 that you had previously testified to that  
3 had apprised you of the fact that there  
4 was a confrontation between Dr. McCash and  
5 Dr. Varughese?

6 A. Thank you. Yes.

7 Q. Now, if you look at the  
8 distribution of this email, it was sent to  
9 you, Dr. Pessin-Minsley, Dr. Schiller as  
10 well as to a number of cc's, Dr. Bleiweiss  
11 whom you have testified was the attending  
12 for the breast service.

13 A. Yes.

14 Q. Who is Eileen Hauptman?

15 A. Eileen is one of the  
16 departmental administrators who oversaw  
17 the grossing room.

18 Q. Who is Jonathan Truong?

19 A. He was the direct supervisor of  
20 that lab.

21 Q. Who is Shabnam Jaffer?

22 A. She is another breast attending.

23 Q. Who is Freda Burstyn?

24 A. She was the administrator of the  
25 department at the time.

1 PATRICK LENTO, M.D.

2 Q. Do you have any knowledge or  
3 know why the other chief resident was not  
4 copied on this email from Samuel McCash?

5 A. I do not, no.

6 Q. Do you know whether in any of  
7 the emails involving this situation why  
8 Dr. Maniar was not included in them?

9 A. I do not know why.

10 Q. Did you have any communications  
11 with Dr. Maniar about this incident?

12 A. I don't recall.

13 Q. Was there any type of a  
14 concerted effort to exclude Dr. Maniar,  
15 given the fact that she was a female of an  
16 Indian descent?

17 A. No, sir.

18 Q. Do you know whether there was  
19 any effort to exclude her from being  
20 copied with regard to this situation  
21 because she had previously supported  
22 Dr. Varughese in telling you that  
23 Dr. McCash had acted inappropriately back  
24 in September of 2010?

25 A. I don't believe I said that

1 PATRICK LENTO, M.D.

2 Dr. Maniar had told me he had acted  
3 inappropriately.

4 To answer your question, no, I'm  
5 not aware of a reason to have excluded  
6 Dr. Maniar. Nor would I say she was  
7 intentionally excluded.

8 Q. Do you think it was appropriate  
9 for Dr. McCash to have included all of  
10 these people on the email, Ira Bleiweiss,  
11 Ms. Hauptman, all of the cc's?

12 A. Yes, I do.

13 Q. Why do you believe that?

14 A. Well, again, Dr. Bleiweiss and  
15 Dr. Jaffer were the two breast attendings.  
16 And, having read through the email, the  
17 specimens referred to as Dr. Varughese  
18 having handed off to the moonlighter she  
19 gave all the Goldfarb cases, that's the  
20 attending surgeon. As I mentioned  
21 earlier, Mr. Truong and Ms. Hauptman were  
22 the supervisory people for that particular  
23 area. Mrs. Burstyn was the departmental  
24 administrator. So I don't see that as  
25 unusual.

1 PATRICK LENTO, M.D.

2 Q. What are Goldfarb cases?

3 A. Those are typically breast  
4 cancer cases. Dr. Goldfarb is the  
5 attending surgeon. She is a prominent or  
6 was a prominent surgeon at the time. I  
7 don't know where she is now.

8 Q. But with regard to the Goldfarb  
9 cases, Dr. McCash had reported that  
10 Dr. Varughese wanted to give margins of  
11 the Goldfarb cases to the moonlighters; is  
12 that accurate?

13 A. What he indicated here is she  
14 gave all the Goldfarb cases. He doesn't  
15 say that it was margins or anything. All  
16 to me might suggest that it was all parts  
17 of the case.

18 Q. Was that your understanding by  
19 the end of the investigation, that she had  
20 given all of the Goldfarb cases to the  
21 moonlighter to do?

22 A. I think it's irrelevant.

23 Q. Well, why would that be  
24 irrelevant? Isn't it significant to know  
25 whether it was simply a margin versus more

1 PATRICK LENTO, M.D.

2 substantial breast cases?

3 MR. McEVROY: Objection. Asked  
4 and answered. You can answer again.

5 A. No, sir.

6 Q. So even if it was a simple  
7 margin, it would have been appropriate, in  
8 your eyes?

9 A. You are calling it a simple  
10 margin.

11 Q. Well, is there no such thing?

12 A. There is no such thing.

13 Q. With regard to your steps in the  
14 investigation, who did you interview?

15 A. I spoke with Dr. Bleiweiss. I  
16 spoke with Dr. Jaffer. I spoke with  
17 Dr. Azar. I spoke with Dr. Grunes.

18 Q. Did you maintain notes of your  
19 interview with Dr. Jaffer?

20 A. No, sir.

21 Q. Why didn't you maintain any  
22 notes of your interview with Dr. Jaffer?

23 A. I don't have a reason.

24 Q. What did you ask Dr. Jaffer?

25 A. I asked her what happened.



1 PATRICK LENTO, M.D.

2 Q. What did she tell you?

3 A. She wasn't present at the  
4 initial part of the altercation. She  
5 indicated that she came in and Leena was  
6 yelling. And I believe she tried to calm  
7 the situation, if I recall correctly.

8 Q. Did she make any commentary  
9 about what Dr. McCash was doing when she  
10 arrived on the scene?

11 A. I don't recall.

12 Q. Did you ask her?

13 A. I asked her to tell me what  
14 happened.

15 Q. Did she say anything about  
16 Dr. McCash?

17 A. I don't recall.

18 Q. Do you recall asking about what  
19 she observed of Dr. McCash's behavior?

20 MR. McEVROY: Objection. Asked  
21 and answered one more time.

22 Q. You can answer.

23 A. Can you repeat the question,  
24 please.

25 Q. Do you recall asking her

1 PATRICK LENTO, M.D.

2 specifically about anything that she  
3 observed about Dr. McCash's behavior?

4 A. Thank you. No, sir.

5 Q. Did Dr. Jaffer advise you that  
6 Dr. McCash had used profanity?

7 A. I don't recall.

8 Q. Would it have been appropriate  
9 for Dr. McCash to use profanity?

10 A. No.

11 Q. Did you ultimately conclude that  
12 Dr. McCash was administering verbal  
13 discipline to Dr. Varughese by speaking to  
14 her in the gross room?

15 A. Yes. He was following up on his  
16 initial discussion with Dr. Varughese.

17 Q. What was Dr. Varughese doing  
18 when Dr. McCash first entered the room  
19 right before the confrontation began?

20 MR. McEVOY: Wait. Are you  
21 asking the witness to tell you about  
22 something that he wasn't there for?

23 MR. WRONKO: Fair enough.

24 Q. What did your investigation  
25 conclude that Dr. Varughese was doing when

1 PATRICK LENTO, M.D.

2 Dr. McCash first entered the room?

3 A. I don't know. I don't know what  
4 she was doing.

5 Q. You don't know whether or not  
6 she was grossing a specimen?

7 A. I would have to make a presumption.

8 Q. If you had conducted a thorough  
9 investigation, wouldn't you have known  
10 what was going on when Dr. McCash  
11 initially approached Dr. Varughese?

12 MR. McEVOY: Objection to the  
13 form. You can answer.

14 A. An account doesn't specify  
15 specifically every minor detail, if she  
16 was washing her hands at the time or she  
17 was standing by the computer.

18 Q. So from your perspective, it  
19 would have been a minor detail to know  
20 what Dr. Varughese was doing in the gross  
21 room when Dr. McCash came in?

22 A. I can tell you I would presume  
23 she was grossing.

24 Q. But isn't that very significant  
25 to know whether she was administering

1 PATRICK LENTO, M.D.

2 patient care at the time that Dr. McCash  
3 chose to confront her?

4 A. I don't believe so.

5 Q. Okay. Is it standard procedure  
6 at Mount Sinai Medical Center in the  
7 residency program to administer discipline  
8 when residents are in the middle of  
9 administering patient care?

10 MR. McEVROY: Objection to the  
11 form. You can answer.

12 A. He asked her why she hadn't  
13 performed the examination of the specimens  
14 that he had requested.

15 Q. But answer my question. Is it  
16 your position that it would be appropriate  
17 to confront a resident while they are in  
18 the middle of administering patient care?

19 MR. McEVROY: Same objection.  
20 You can answer.

21 A. If needed, yes.

22 Q. So in your mind, is it  
23 irrelevant whether or not patient care is  
24 being administered as to whether or not  
25 someone is sparking a confrontation?

1 PATRICK LENTO, M.D.

2 MR. McEVOY: Objection to the  
3 form. You can answer one more time.

4 A. The confrontation was  
5 specifically related to patient care. He  
6 was trying to correct the situation.

7 Q. How was it related specifically  
8 to patient care as opposed to simply  
9 delegation of responsibility?

10 A. Because a margin -- my  
11 understanding from reading the email and  
12 being a pathologist, the involvement of  
13 the margins are included as a very  
14 important part of the case, whether there  
15 is one part or 20 parts. And the  
16 rationale behind that is because  
17 ultimately the person who is going to be  
18 signing it out needs to have an  
19 understanding about what was done with the  
20 specimen in certain circumstances.

21 Q. But hadn't it been in the case  
22 in the gross room that specimens,  
23 including breast specimens, had been split  
24 all the time by residents and that as of  
25 December 8 there had been no change in

1 PATRICK LENTO, M.D.

2 that procedure?

3 A. I'm not aware.

4 Q. As the program director who was  
5 administering academic advisement arising  
6 out of this situation, didn't you have a  
7 duty to find that out?

8 A. No, sir.

9 Q. Why didn't you have a duty to  
10 find that out?

11 A. Because there was a direct  
12 request from Dr. McCash that Leena include  
13 the margins as part of her examination of  
14 the specimens.

15 Q. So it just comes down to the  
16 fact that the chief resident said to do  
17 it. And in your mind, Dr. Varughese  
18 didn't follow that instruction, correct?

19 A. Dr. McCash had made the request  
20 of Dr. Varughese. And she did not follow  
21 her responsibility in that circumstance.

22 Q. Do you know whether or not this  
23 chief resident, Samuel McCash, was keeping  
24 a list specific to Dr. Varughese about why  
25 he felt she was a troubled resident?

1 PATRICK LENTO, M.D.

2 A. I'm not aware of that at all.

3 Q. Do you know whether or not he  
4 just kept that list to himself about why  
5 he felt Dr. Varughese was a troubled  
6 resident?

7 A. I'm not aware of any list.

8 Q. So you never saw a list?

9 A. I'm not aware of any list.

10 Q. Did Dr. Pessin ever show you a  
11 list that Dr. McCash had been keeping?

12 A. No, sir.

13 Q. Let me show you what was marked  
14 as Pessin Exhibit 6. Have you had an  
15 opportunity to review Pessin 6?

16 A. Yes.

17 Q. This is an email from Dr. McCash  
18 to Dr. Pessin-Minsley, dated December 9,  
19 2010, 1:13 p.m. after the situation  
20 wherein Dr. McCash makes reference to his  
21 Leena list. Did you ever see this email  
22 exchange?

23 MR. McEVROY: Objection. There  
24 is no reference to a Leena list.

25 MR. WRONKO: In the subject line

1 PATRICK LENTO, M.D.

2 there is.

3 MR. McEVOY: That is the subject.  
4 Correct.

5 Q. Did you ever see this email  
6 exchange?

7 A. I do not recall ever seeing  
8 this, no.

9 Q. Do you ever recall being apprised  
10 that there was a Leena list?

11 A. No, sir.

12 Q. Do you think it was appropriate  
13 for this chief resident to be keeping for  
14 himself a list of the reasons why Leena  
15 has been a troubled resident?

16 A. It's the job of the chief resident  
17 to oversee the residents.

18 Q. Do you know whether or not  
19 Dr. McCash kept a list for any other  
20 resident besides Leena?

21 A. You have to ask Dr. McCash.

22 Q. Would this email have raised any  
23 concerns in your mind that Dr. McCash,  
24 after having an incident with  
25 Dr. Varughese back in September when he



1 PATRICK LENTO, M.D.

2 was alleged to have been raising his voice  
3 and speaking inappropriately to her, was  
4 singling her out?

5 MR. McEVOY: Objection to the  
6 form. You can answer.

7 A. I don't believe he was singling  
8 her out.

9 Q. As of December 9, 2010, did you  
10 form your own belief that Leena had been a  
11 troubled resident?

12 A. Leena had performed satisfactorily  
13 on rotations, except in my understanding  
14 those evaluations that I had given her  
15 where she was marginal. But I wasn't  
16 necessarily aware of all of her evaluations.

17 Q. Given the fact that you had  
18 previously counseled in an academic  
19 setting Dr. McCash about how he should be  
20 appropriately behaving with a resident,  
21 why is it that you would immediately  
22 assume that his directions to  
23 Dr. Varughese were correct and should be  
24 followed?

25 MR. McEVOY: Objection to the

1 PATRICK LENTO, M.D.

2 form. Mischaracterization of his  
3 testimony. But you can answer the  
4 question.

5 A. Can you repeat the question.

6 (The question was read.)

7 A. Dr. McCash had been selected as  
8 the chief resident by the former program  
9 director. Such a selection generally  
10 implies certain qualities of an  
11 individual. And the prior incident that  
12 you refer to had been already dealt with.

13 Q. Coming into your investigation,  
14 did you have any concerns that this might,  
15 in fact, be a pattern by Dr. McCash in  
16 terms of the way that he would be  
17 approaching this particular resident?

18 A. The purpose of the investigation  
19 was to try to flesh out the details about  
20 what had happened, to make a determination.

21 Q. And you don't have any  
22 recollection, sitting here today, of any  
23 specific inquiries about Dr. McCash to  
24 Dr. Jaffer, do you?

25 A. No, sir.

1 PATRICK LENTO, M.D.

2 Q. Would it surprise you that in  
3 Dr. Figur's investigation, it was  
4 disclosed that Dr. McCash had used  
5 profanity?

6 A. Yes.

7 Q. If his investigation turned that  
8 up and yours didn't, do you believe that  
9 your investigation was completely thorough?

10 A. That's one point that you are  
11 bringing up.

12 Q. Isn't it an important point?

13 A. It might be. But that's one  
14 point that you are bringing up.

15 Q. Is it ever appropriate for a  
16 chief resident to use profanity when  
17 dealing with another resident?

18 A. No, sir.

19 Q. Are you aware of a physician at  
20 Mount Sinai Medical Center who was put on  
21 final written warning for cursing out a  
22 subordinate?

23 A. No.

24 Q. Dr. Pessin-Minsley testified  
25 that she could not recall the name, but

1 PATRICK LENTO, M.D.

2 there was a physician who cursed out one  
3 of the members of her staff. You are  
4 unaware of that?

5 A. Yes.

6 Q. Do you know whether or not  
7 Dr. Adrienne Jordan was sending out emails  
8 about her accounts with Dr. Varughese?

9 A. Yes, I believe Dr. Jordan also  
10 sent out an email.

11 Q. Wasn't it multiple emails?

12 A. My recollection is she sent out  
13 two emails.

14 Q. Let me show you what was marked  
15 as Pessin Exhibit 10.

16 Have you ever seen this email  
17 chain before?

18 A. Not in the chain. I'm not on.

19 Q. How about the email on the final  
20 page?

21 A. Right. Well, I'm indicated in  
22 the address.

23 Q. Okay. Dr. Jordan wrote an  
24 email, dated December 10, 2010, at 5:35  
25 p.m. Do you know why Kruti Maniar was

1 PATRICK LENTO, M.D.

2 excluded from this email?

3 A. I do not know.

4 MR. McEVOY: Objection to the  
5 form.

6 Q. Dr. Jordan describes a  
7 conversation she had with Dr. Varughese.  
8 Did you view it as inappropriate for  
9 Dr. Jordan to have engaged Dr. Varughese  
10 in this conversation?

11 MR. McEVOY: Objection to the  
12 form. You can answer.

13 A. My understanding from reading  
14 the email is that Dr. Varughese is the one  
15 who engaged Dr. Jordan.

16 Q. Isn't it also the case that  
17 Dr. Jordan entertained that engagement?

18 MR. McEVOY: Objection to the  
19 form. You can answer.

20 A. Yes.

21 Q. Was there anything inappropriate  
22 about her entertaining that engagement?

23 MR. McEVOY: Same objection.

24 A. I'm not sure that it was  
25 inappropriate.

1 PATRICK LENTO, M.D.

2 Q. Now, Dr. Jordan writes "While  
3 she never yelled or raised her voice, I am  
4 once again concerned about her illogical  
5 placement of blame on myself and her  
6 consistent 'flight of ideas.'" And in  
7 parentheses "(Yes. I realize the irony in  
8 that statement)."

9 What was your understanding of  
10 what that means, flight of ideas?

11 A. I'm not sure what she meant.

12 Q. Do you know whether or not there  
13 is any -- she is making reference to any  
14 type of a medical diagnosis there?

15 A. I think you would have to ask  
16 Dr. Jordan. I don't know.

17 Q. As a PGY-2, do you think it was  
18 appropriate for Dr. Jordan to be writing  
19 about another resident that she has flights  
20 of ideas?

21 A. I'm not sure that it's  
22 appropriate for me to comment necessarily,  
23 because I was not part of the investigation  
24 at that point. So I don't know if they  
25 were verbal communications between

1 PATRICK LENTO, M.D.

2 Dr. Pessin and Dr. Jordan or others about  
3 appropriateness of conversations and so  
4 on.

5 Q. I'm asking you as the program  
6 director, do you believe that it was  
7 appropriate for this particular resident  
8 to be making these types of allegations?

9 MR. McEVROY: Objection to the  
10 form. You can answer.

11 Q. Making specific reference to  
12 flight of ideas.

13 A. That's her opinion.

14 Q. Okay. So as the program  
15 director December 2010, you saw nothing  
16 inappropriate about a PGY-2 expressing  
17 that particular opinion about another  
18 resident?

19 A. Again, that was her opinion.

20 Q. But I'm not asking whether it  
21 was her opinion or not. I'm asking  
22 whether you as the program director felt  
23 that it was appropriate for her to be  
24 utilizing or expressing her opinion as she  
25 did her, making reference to the quoted

1 PATRICK LENTO, M.D.

2 remarks of flight of ideas.

3 A. I'm not sure.

4 Q. Do you know whether or not  
5 Dr. Pessin and Dr. Jordan were close?

6 A. I have no idea.

7 Q. Do you know why as of  
8 December 11, 2010, Dr. Jordan was writing  
9 an email like on the first page in essence  
10 lobbying Dr. Pessin to see her point of  
11 view?

12 MR. McEVOY: Objection to the  
13 form. Rephrase.

14 Q. Did Dr. Jordan lobby you to see  
15 her point of view during your investigation?

16 A. Not that I recall.

17 Q. Now, do you know whether or not  
18 Dr. Jordan also circulated any emails to a  
19 large distribution list?

20 A. I have no idea.

21 Q. Let me show you what was marked  
22 as Pessin Exhibit 11.

23 (Witness reviews document.)

24 Q. I want to take you away from  
25 that document for a moment and bring you



1 PATRICK LENTO, M.D.

2 back to Pessin 10. If you could go back  
3 to Dr. Jordan's email on the second page.  
4 Go to that email on the second page.  
5 Dr. Jordan had written "I explained to her  
6 that there was an investigation going on  
7 into what happened and she would be able  
8 to tell her side of the story. But I  
9 didn't want to talk to her about it  
10 anymore and in fact I was advised not to  
11 speak with her."

12 From your reading of this email,  
13 did Dr. Jordan disregard an instruction  
14 that she had been given by Dr. Pessin-Minsley  
15 not to speak with Dr. Varughese?

16 A. From reading this email, I don't  
17 know when that advisement was made, before  
18 or after the email.

19 Q. Was Dr. Jordan -- did you advise  
20 Dr. Jordan or Dr. McCash not to be  
21 speaking with anyone about the investigation?

22 A. I did not.

23 Q. Did you advise them that if they  
24 spoke with anyone about the investigation  
25 that they could be subject to termination?

1 PATRICK LENTO, M.D.

2 A. I did not.

3 Q. So returning now to that email,  
4 which is Pessin 11, I'll give you a moment  
5 to finish reviewing it. And tell me when  
6 you are ready.

7 (Witness reviews document.)

8 Q. Have you ever seen Pessin 11  
9 before?

10 A. My name is on it. So...

11 Q. Do you believe it was  
12 appropriate for Dr. Jordan to have sent  
13 this email to the entire list of people  
14 there?

15 A. Well, she was asked to do so.

16 Q. Do you know whether she was  
17 asked to send it to everyone on that list?

18 A. I can't answer that question for  
19 you.

20 Q. Okay. Now, with regard to  
21 Dr. Jordan's final remark in that email  
22 where she says, "I agree with Sam and that  
23 very serious punitive consequences are  
24 called for in this situation," do you  
25 think it was appropriate for this PGY-2 to

1 PATRICK LENTO, M.D.

2 be calling for another resident to be  
3 disciplined?

4 A. I don't think it's unreasonable.  
5 But it's not her decision.

6 Q. You had previously indicated in  
7 response to an email where Dr. Jordan had  
8 said that she was going home to puke her  
9 brains out that it was a joke. In  
10 response to a prior email, you had said  
11 that it was her opinion. Now in reference  
12 to this email, you said it's not  
13 unreasonable. Are you making excuses for  
14 Dr. Jordan's unprofessional behavior?

15 MR. McEVOY: Objection to the  
16 form. You can answer.

17 A. No, sir.

18 Q. If Dr. Varughese had been making  
19 these types of remarks, would you have  
20 viewed it as lacking professionalism?

21 A. Isn't that making a conjecture  
22 in a theoretical situation?

23 Q. It is. But I'd like to know  
24 your opinion.

25 MR. McEVOY: Note my objection

1 PATRICK LENTO, M.D.

2 to the form. But you can answer the  
3 question.

4 A. I don't want to speculate.

5 Q. Okay. Fair enough.

6 MR. McEVOY: By the way, it is  
7 one o'clock. So whenever you want to  
8 break for lunch. Actually it's two  
9 minutes or three minutes to one.

10 MR. WRONKO: Let's go another  
11 five or ten minutes and then we will take  
12 a break.

13 MR. McEVOY: Fine.

14 Q. Did you have a meeting with  
15 Dr. Varughese in which you had threatened  
16 her with possible termination if she had  
17 spoken to or confronted colleagues about  
18 the accusations that had arisen from the  
19 December 8th incident?

20 A. I don't recall telling Leena  
21 that myself, no.

22 Q. Do you recall having a meeting  
23 in which you issued her a memo about her  
24 confronting colleagues?

25 A. Yes.

1 PATRICK LENTO, M.D.

2 Q. When did that meeting take  
3 place?

4 A. I don't recall. But it may be  
5 dated on a letter.

6 Q. Okay. Tell me what occurred at  
7 the meeting.

8 A. Dr. Pessin had convened the  
9 meeting in her office, this was after my  
10 return from my meeting in California, to  
11 talk with Leena.

12 Q. What did Dr. Pessin say during  
13 the meeting?

14 A. My recollection is that we  
15 indicated that there was an ongoing  
16 investigation. We talked with Leena about  
17 what had happened. And Dr. Pessin issued  
18 the letter.

19 Q. When you say you had discussed  
20 what had happened, what specifically were  
21 you referring to? Were you referring to  
22 the December 8th incident or something  
23 else?

24 A. Leena recounted her summary of  
25 what had happened.

1 PATRICK LENTO, M.D.

2 Q. But what did you say to her with  
3 regard to the notice that was issued?

4 A. I don't recall saying anything  
5 specific to her.

6 Q. Do you recall Dr. Pessin-Minsley  
7 saying anything specific to her?

8 A. I believe that Dr. Pessin in a  
9 sense reiterated or summarized what is  
10 written in the letter.

11 Q. I'm going to show you what has  
12 been marked as Defendant's Exhibit 7. Is  
13 this the notice that you were referring to  
14 that was issued to Dr. Varughese?

15 (Witness reviews document.)

16 A. Yes.

17 Q. Now, I'm aware, of course, of  
18 the interaction that Dr. Varughese had  
19 with Dr. Jordan. And we had looked at  
20 that email. But were there any other  
21 colleagues that Dr. Varughese had  
22 confronted after December 8th that you  
23 were aware of?

24 A. Confrontation? I don't recall  
25 any other confrontations.

1 PATRICK LENTO, M.D.

2 Q. In this notice it says "making  
3 various accusations." Were those solely  
4 limited to the accusations that she has  
5 attributed to have made by Dr. Jordan in  
6 her email or were there any other  
7 accusations that this is making reference  
8 to?

9 A. I didn't write up this letter.

10 Q. Okay. But I'm asking for your  
11 understanding.

12 A. I'm not sure.

13 Q. And that is your signature on  
14 the letter, correct?

15 A. Yes, it is.

16 Q. What departmental operations had  
17 been disrupted during the course of the  
18 investigation by Dr. Varughese?

19 A. I don't recall.

20 Q. Why is it that the final line  
21 was concluded that "Any additional  
22 confrontations may result in disciplinary  
23 action, up to and including your removal  
24 from service, possibly including  
25 termination"?

1 PATRICK LENTO, M.D.

2 A. Perhaps so that Leena would  
3 understand the seriousness of the  
4 situation.

5 Q. Why did you feel because --  
6 strike that.

7 I understand that Dr. Varughese  
8 had spoken with Dr. Jordan. Why did you  
9 feel that it was necessary to threaten her  
10 with termination at this particular  
11 juncture point because of that one  
12 conversation with Dr. Jordan?

13 MR. McEVROY: Objection to the  
14 form. You can answer.

15 A. We didn't want to see a pattern  
16 of misconduct.

17 Q. Did this notice fall within the  
18 disciplinary structure, either  
19 disciplinary structure that you had  
20 described earlier in your deposition?

21 A. No, I don't believe so.

22 Q. Did Dr. Varughese have any right  
23 of appeal, even though there was a threat  
24 here of termination from this notice?

25 A. Residents can always potentially



1 PATRICK LENTO, M.D.

2 appeal a decision. But this wasn't a  
3 decision. This was an indication of an  
4 ongoing investigation.

5 Q. So was this considered a warning  
6 or wasn't it considered a warning?

7 A. I guess this was a warning to  
8 her.

9 Q. So did this in fact fall within  
10 the formal disciplinary structure or was  
11 it part of the informal structure that you  
12 had described to me?

13 A. Well, as I said earlier, the  
14 informal is more of a conversation between  
15 one individual and another individual.

16 Q. Isn't it true that as to  
17 Dr. Varughese, that in essence the  
18 department was making it up as they went  
19 along in terms of the way that they  
20 handled the situation and disciplined her?

21 MR. McEVOY: Objection to the  
22 form. I direct the witness not to answer.

23 MR. WRONKO: He can answer.

24 MR. McEVOY: No, he can't. I  
25 told him he can't. It's an improper

1 PATRICK LENTO, M.D.

2 question.

3 MR. WRONKO: I want to know  
4 whether or not they were following a  
5 formal structure or whether or not they  
6 were making it up as they went along.  
7 That's a fair question.

8 MR. McEVOY: No, it's not.  
9 Making it up as they went along is  
10 improper and you know it. If you want to  
11 know if they were following the procedure,  
12 you can ask him that.

13 Q. Did they follow any set-forth  
14 procedure as to Dr. Varughese?

15 A. My understanding is that this  
16 occurred after consultation between  
17 Dr. Pessin and the GME office.

18 Q. That doesn't answer my question.  
19 Was this pursuant to any formal  
20 disciplinary structure that was in place?

21 A. I'm not sure I can answer that.

22 Q. In your investigation, did you  
23 find out how many specimens Dr. Varughese  
24 had grossed?

25 MR. McEVOY: On any particular

1 PATRICK LENTO, M.D.

2 occasion?

3 MR. WRONKO: Yes. December 8th.

4 A. Not me personally.

5 Q. Who made the decision to put  
6 Dr. Varughese on academic advisement?

7 A. Dr. Pessin and I.

8 Q. Was anyone else involved in that  
9 decision?

10 A. Of course.

11 Q. Who else?

12 A. At that time, it would have  
13 included the Graduate Medical Education  
14 office.

15 Q. Who there?

16 A. Dr. Barnett is the director of  
17 that office.

18 Q. Anyone else besides yourself,  
19 Dr. Pessin and Dr. Barnett?

20 A. I know that Dr. Pessin had  
21 spoken with legal.

22 Q. Was it Maria Lowery who she  
23 spoke with?

24 A. I don't know. You would have to  
25 ask Dr. Pessin.

1 PATRICK LENTO, M.D.

2 Q. Anyone else?

3 A. That would be it.

4 Q. Do you know whether there was  
5 any precedent for academic advisement  
6 prior to the issuance of the December 21,  
7 2010, academic advisement to Dr. Varughese?

8 MR. McEVROY: Objection to the  
9 form. You can answer.

10 A. Can you rephrase the question.

11 Q. In the course of issuing the  
12 academic advisement, were you made aware  
13 of any prior occasion where academic  
14 advisement had been given to anyone at  
15 Mount Sinai?

16 A. Yes.

17 Q. Okay. Who?

18 A. No particular names.

19 Q. Who advised you that academic  
20 advisement had been given to someone in  
21 the past?

22 A. Mrs. Burstyn.

23 Q. Freda Burstyn?

24 A. Yes.

25 Q. In what context did she tell you

1 PATRICK LENTO, M.D.

2 that?

3 A. She recommended a book that had  
4 been utilized in another resident's  
5 situation.

6 Q. Was that "Practicing Excellence:  
7 A Physician's Manual to Exceptional Health  
8 Care"?

9 A. Yes, sir.

10 Q. Did you ever read that book?

11 A. I read through it, yes. Not  
12 entirely.

13 Q. How much of it did you read?

14 A. I don't know. I can't tell you.

15 Q. When do you recall reading the  
16 book?

17 A. I read it around the time that  
18 we gave the advisement, so that I could be  
19 aware of what Leena was going to be  
20 reading.

21 Q. Who authored the book?

22 A. I believe a physician. Dr. Beeson.

23 Q. What did it talk about?

24 A. Excellence in patient care and  
25 the role that a physician has in that

1 PATRICK LENTO, M.D.

2 situation.

3 Q. Did the book address any issues  
4 with regard to interaction between  
5 physicians?

6 A. I don't recall specifically.

7 MR. McEVOY: Ten after.

8 MR. WRONKO: Let me ask you this.

9 Q. Who was present when  
10 Dr. Varughese was given the academic  
11 advisement?

12 A. I believe that was just myself  
13 and Dr. Pessin.

14 Q. Tell me what was said at that  
15 meeting.

16 A. We basically reviewed the  
17 letter. It was an account of the incident  
18 and a summary of what we had come to  
19 conclude, as well as the specific details  
20 about what was expected of her as part of  
21 the academic advisement.

22 Q. Did you conclude that this  
23 entire situation was Dr. Varughese's fault?

24 MR. McEVOY: Objection to the  
25 form. You can answer.

1 PATRICK LENTO, M.D.

2 A. It was irrelevant if it was only  
3 Dr. Varughese's fault. The academic  
4 advisement was being addressed  
5 specifically to Dr. Varughese based on her  
6 conduct and performance.

7 Q. Did your investigation disclose  
8 that Dr. McCash had done anything  
9 inappropriate?

10 A. Nothing that required a formal  
11 disciplinary action.

12 Q. Was there any informal  
13 discipline administered to Dr. McCash?

14 A. I don't recall.

15 MR. WRONKO: Okay. Let's take a  
16 lunch break.

17 (Lunch recess: 1:11 p.m.)  
18  
19  
20  
21  
22  
23  
24  
25

1 PATRICK LENTO, M.D.

2 A F T E R N O O N S E S S I O N

3 2:16 p.m.

4 P A T R I C K L E N T O, M. D.,

5 having been previously duly sworn,

6 testified further as follows:

7 CONTINUED EXAMINATION

8 BY MR. WRONKO:

9 Q. Good afternoon, Dr. Lento. I'll  
10 remind you that you are still under oath.  
11 I had follow-up questions from my morning  
12 session.

13 Were you ever reprimanded by  
14 Mount Sinai?

15 A. No, sir.

16 Q. During the course of your  
17 investigation into the December 8th  
18 incident, did you interview Renato  
19 Valentin?

20 A. No, sir.

21 Q. Who was Renato Valentin?

22 A. I believe he was a physicians  
23 assistant.

24 Q. Do you know whether or not he  
25 was present on December 8?



1 PATRICK LENTO, M.D.

2 A. I don't know.

3 Q. During an autopsy service  
4 following the December 8th incident, did  
5 you have the occasion to swing the scalpel  
6 close to Dr. Varughese where someone else  
7 on the autopsy service had to caution you  
8 about the way that you were handling a  
9 scalpel?

10 A. I'm not aware of any such  
11 incident.

12 Q. Do you know of a neuropath  
13 resident who was disciplined in 2010 or  
14 2011?

15 A. No, sir.

16 Q. What job title did Freda Burstyn  
17 have?

18 A. She was, I guess, interim  
19 administrator for the Department of  
20 Pathology.

21 Q. What were her job responsibilities?

22 A. You would have to ask her.

23 Q. What role did you observe her  
24 playing, if any?

25 A. She was department administrator.

1 PATRICK LENTO, M.D.

2 Q. So what exactly did you observe  
3 her doing or not doing in the department?

4 A. My job wasn't to observe her  
5 doing anything.

6 Q. Did you make any observations as  
7 to what she did as an administrator for  
8 the department?

9 A. She would oversee the general  
10 workings of the department with the  
11 chairman.

12 (Plaintiff's Lento Exhibit 2  
13 marked for identification.)

14 Q. I'm going to show you what has  
15 been marked as Lento Exhibit 2. I'll give  
16 you a moment to review the document.

17 (Witness reviews document.)

18 Q. Can you identify the document  
19 itself, excluding the handwritten notes on  
20 the second page?

21 A. The document is labeled "Notice  
22 of Academic Advisement."

23 Q. Is this in fact a true and  
24 correct copy of the December 21, 2010,  
25 notice of academic advisement?

1 PATRICK LENTO, M.D.

2 A. Yes.

3 Q. Who drafted it?

4 A. I drafted it in consultation  
5 with Dr. Pessin, GME office and the legal  
6 department.

7 Q. Did anybody redline your draft  
8 or change your draft or in any way alter  
9 it?

10 A. I don't recall any.

11 Q. This process of academic  
12 advisement with Dr. Varughese, did you  
13 consider it to be a confidential process?

14 A. Yes.

15 Q. By confidential, who was  
16 supposed to be involved with the process  
17 of academic advisement for Dr. Varughese?  
18 Who would be privy to it?

19 A. Dr. Pessin and I.

20 Q. Anyone else?

21 A. In the department, that may have  
22 been it actually.

23 Q. Do you know whether or not  
24 during the course of the academic  
25 advisement period whether or not that

1 PATRICK LENTO, M.D.

2 confidentiality was strictly maintained?

3 A. I'm not aware of any breaches.

4 Q. Do you know whether or not

5 Dr. McCash was permitted to review

6 Dr. Varughese's self-reflection?

7 A. I don't know.

8 Q. Do you know whether or not

9 Dr. McCash was told about the contents of

10 Dr. Varughese's self-reflection?

11 A. I did not speak to him. I do  
12 not know if he was spoken to.

13 Q. Looking at this document, in the  
14 very first two sentences it says "One of  
15 the chief residents had specifically  
16 discussed with you the need for you to  
17 gross specific specimen." And in  
18 parentheses S. "Instead you had one of  
19 the moonlighters handle the specimen." In  
20 parentheses S.

21 At the time you drafted the  
22 notice of academic advisement, did you  
23 know how many specimens in particular were  
24 asked to be grossed by Dr. Varughese?

25 A. I don't know the answer to that.

1 PATRICK LENTO, M.D.

2 Q. You go on to write "This  
3 altercation was upsetting to those  
4 present." And in parentheses "including  
5 other residents in the gross room, an  
6 attending (Dr. Jaffer), and a medical  
7 student who felt she needed to leave the  
8 area as a direct result of the  
9 altercation."

10 Had you spoken with the medical  
11 student?

12 A. I did not.

13 Q. What was the medical student's  
14 name?

15 A. I think her last -- it was a  
16 woman. Her last name I believe was  
17 Fernandez. I don't recall her first name.

18 Q. Who were the other residents in  
19 the gross room?

20 A. Dr. Azar, who was the  
21 moonlighter; Dr. Grunes, who was working  
22 with the medical student; and I believe  
23 Dr. Jordan.

24 Q. Who was the head moonlighter on  
25 that particular service that day?

1 PATRICK LENTO, M.D.

2 A. I believe Dr. Azar was the  
3 moonlighter.

4 Q. You write that it was noted that  
5 you had failed to appropriately gross in  
6 cases that should have been taken care of  
7 that day.

8 How many cases did you mean to  
9 refer to that Dr. Varughese should have  
10 taken care of that day?

11 A. Well, there is no set number of  
12 cases. It's whatever presents itself on a  
13 particular day. She did not complete her  
14 day's work after the altercation.

15 Q. Now, is that something that is  
16 unusual in the gross room for some  
17 specimens to be carried over to the next  
18 day of work?

19 A. Well, this is not a question of  
20 being carried over. This is a question of  
21 just being left there.

22 Q. Okay. So how many specimens  
23 were just left there?

24 A. I don't have that number.

25 Q. Was it more than one?

1 PATRICK LENTO, M.D.

2 A. I can't speculate.

3 Q. Even though you don't recall the  
4 exact number, did you reach any  
5 conclusions in your investigation as to  
6 how many specimens were just left there?

7 A. My understanding was that the  
8 residents, Dr. Azar, Dr. Jordan and  
9 Dr. McCash, were the ones who completed  
10 the work, including the paperwork.

11 Q. How did you arrive at that  
12 understanding?

13 A. That's what they indicated,  
14 either in an email or verbally.

15 Q. I'm going to show you what has  
16 been marked as Defendant's Exhibit 14. Do  
17 you know whether or not Dr. Varughese had  
18 grossed the list of specimens that are  
19 listed under her name as of December 8,  
20 2010?

21 A. I don't know.

22 Q. In arriving at your conclusions  
23 in your investigation, had you referred to  
24 any chart summarizing the specimens that  
25 Dr. Varughese had grossed?

1 PATRICK LENTO, M.D.

2 A. No.

3 Q. Under "Problematic areas  
4 identified," referring back to the notice  
5 of academic advisement, it states "Failure  
6 to demonstrate an appropriate level of  
7 professionalism and patient care-related  
8 lapse (grossing-related responsibilities.)"

9 What precisely was the patient  
10 care-related lapse?

11 A. Leaving her specimens, the cases  
12 she was responsible for.

13 Q. When you say she just left them  
14 there, what was your understanding of what  
15 that meant?

16 A. That she left the gross room and  
17 didn't complete her work.

18 Q. Was there anything else -- had  
19 she left the specimens in any type of an  
20 unsafe way? Was there anything else to  
21 the patient care-related lapse beyond what  
22 you have testified to?

23 A. Not that I can add.

24 Q. And is it your understanding as  
25 a result of your investigation that the



1 PATRICK LENTO, M.D.

2 remaining samples that Dr. Varughese had  
3 left were all performed by the moonlighters  
4 and Dr. McCash?

5 A. The other residents who were  
6 there, my understanding was that they were  
7 the ones who completed the work.

8 Q. Okay. Now, under "Plan of  
9 Action" it says "Meeting with the program  
10 director or as needed interim chair/chair  
11 or others in authority within the  
12 Department of Pathology every three to  
13 four weeks for continued assessment and  
14 advisement."

15 Was it contemplated that more  
16 administrators beyond yourself would be  
17 involved in this process of academic  
18 advisement?

19 A. I wouldn't say it was anticipated,  
20 no.

21 Q. Was the intent at the outset or  
22 was it your intent at the outset that you  
23 would be the primary contact with  
24 Dr. Varughese moving forward, as opposed  
25 to the chair of the Department of Pathology

1 PATRICK LENTO, M.D.

2 or any other administrator?

3 A. Yes.

4 Q. Under "Self-reflection  
5 exercise," it says "You are expected to  
6 write down your account of the situation  
7 and describe how you could have approached  
8 things in a better fashion, including  
9 commentary on physician professionalism  
10 and its role in the circumstance."

11 Why was Dr. Varughese being  
12 asked to write down her account of the  
13 situation?

14 A. This was an educational  
15 exercise, as I mentioned earlier. The  
16 idea there was that she would read the  
17 book on professionalism by Dr. Beeson and  
18 potentially learn from the information  
19 provided and from her experience and see  
20 if she could provide a better way of  
21 approaching a similar circumstance down  
22 the road.

23 Q. The focus of my question,  
24 though, is not on the second part of that  
25 sentence, which you just addressed, but is

1 PATRICK LENTO, M.D.

2 instead focused on having her write down  
3 her account of the situation.

4 Is it fair to say that there was  
5 substantial disagreement between you,  
6 having conducted an investigation, and  
7 Dr. Varughese's versions of events?

8 A. Yes.

9 Q. So why is it, given the fact  
10 that there were substantial differences  
11 between you and Dr. Varughese about what  
12 had occurred, would you have asked her to  
13 write down her account of the situation?  
14 Hadn't you already received that?

15 A. It was in the context of an  
16 educational exercise, summarize in her  
17 words what had happened. Obviously she  
18 couldn't provide anyone else's account of  
19 the events. And in an educational format,  
20 address how things could have been more  
21 appropriately handled should a similar  
22 situation arise in the future.

23 Q. Did you in essence want  
24 Dr. Varughese to simply adopt the summary  
25 of events contained in the notice of

1 PATRICK LENTO, M.D.

2 academic advisement and disregard her  
3 beliefs about what occurred during the  
4 incident?

5 A. No, sir. That's not indicated  
6 here.

7 Q. So you didn't want her to adopt  
8 the department's view of what the  
9 department claimed happened that day, as  
10 opposed to what Dr. Varughese believed had  
11 occurred?

12 MR. McEVOY: Objection. Asked  
13 and answered one more time.

14 A. No, sir. We asked for her  
15 account.

16 Q. When you met with Dr. Varughese  
17 to discuss the academic advisement, what  
18 did Dr. Varughese say during the meeting?

19 A. What I recall is she wanted to  
20 speak with Dr. Stimmel before, I guess,  
21 agreeing. And, of course, we allowed her  
22 the time to meet and/or speak with  
23 Dr. Stimmel, depending upon how she chose  
24 to do it.

25 Q. Who is Dr. Stimmel?

1 PATRICK LENTO, M.D.

2 A. Dr. Stimmel was the ombudsman  
3 for the institution.

4 Q. During the course of that  
5 meeting, had Dr. Varughese advised you  
6 that she felt that she had been abused by  
7 Samuel McCash?

8 A. I don't recall her saying she  
9 was abused, no.

10 Q. Did she tell you that Sam McCash  
11 had berated her?

12 A. She told me that or she said at  
13 the meeting that -- she basically  
14 recounted the events as she had previously.

15 Q. But did she tell you that Sam  
16 McCash had berated her?

17 A. I don't recall the word "berated"  
18 specifically.

19 Q. Did she mention that she  
20 perceived Sam McCash to pose a physical  
21 threat to her?

22 A. I don't recall her stating that.

23 Q. Did she tell you that Sam McCash  
24 had intruded upon her personal space?

25 A. I don't recall her stating that.

1 PATRICK LENTO, M.D.

2 Q. Are you aware of the fact that  
3 Sam McCash ultimately apologized to Caryn  
4 Tiger-Paillex of human resources about the  
5 way he handled the situation on December 8?

6 A. That would be a confidential  
7 communication between Dr. McCash and human  
8 resources.

9 Q. Do you have any knowledge as to  
10 why Sam McCash would apologize for the way  
11 he had behaved if you believed that he had  
12 done nothing wrong?

13 MR. McEVOY: Objection to the  
14 form of the question. Mischaracterizes  
15 the witness's testimony. You can answer.

16 A. I didn't say he did nothing  
17 wrong. He did.

18 Q. So what did he do wrong?

19 MR. McEVOY: I assume you are  
20 referring to December 8?

21 MR. WRONKO: Correct.

22 A. I think Sam could have handled  
23 the situation differently.

24 Q. How could he have handled it  
25 differently?

1 PATRICK LENTO, M.D.

2 A. I think there is maybe a number  
3 of ways. You would like an example?

4 Q. Sure. Since there are a number  
5 of ways, I'd like a number of examples.

6 A. He could have not raised his  
7 voice, if that were the case. Although by  
8 all indications my understanding was that  
9 he was firm but not overly inappropriate.  
10 He could have pulled Leena,  
11 Dr. Varughese, aside and counseled her in  
12 private, as opposed to in the presence of  
13 others.

14 Q. Any other things that he could  
15 have done differently?

16 A. Those are the things that come  
17 to mind right now.

18 Q. You used the phrase "he wasn't  
19 overly inappropriate." What is the  
20 distinction between being inappropriate  
21 and overly inappropriate?

22 A. I would maybe make a comparison  
23 perhaps between himself and Dr. Varughese's  
24 behavior.

25 Q. How so?

1 PATRICK LENTO, M.D.

2 A. The incident was confined to the  
3 particular area, whereas Dr. Varughese  
4 escalated it and involved two other  
5 attendings actually having to leave the  
6 area specifically to involve the second  
7 attending.

8 Q. With regard to pulling  
9 Dr. Varughese aside as being a suggested  
10 alternative course of action that  
11 Dr. McCash could have taken, would the  
12 purpose of that have been to avoid  
13 publicly humiliating a resident?

14 MR. McEVOY: Objection to the  
15 form. You can answer.

16 A. No, I think that it would be  
17 more of a confidential nature. The  
18 resident might need to be reprimanded.  
19 And he could have done that in a more  
20 private setting.

21 Q. Again, doesn't that also go to  
22 potentially humiliating that resident in  
23 front of co-workers, members of the staff  
24 and the like?

25 MR. McEVOY: Objection to the



1 PATRICK LENTO, M.D.

2 form. Asked and answered one more time.

3 MR. WRONKO: He didn't answer  
4 it.

5 MR. McEVOY: He did actually.  
6 But I'm not going to argue with you. He  
7 can answer.

8 Q. You can answer.

9 A. I think it was more of a  
10 confidentiality issue. And any sensation  
11 of humiliation is based upon the  
12 individual's assessment of the scenario,  
13 whether true or not.

14 Q. So let me understand your  
15 answer. It would not be your concern as  
16 the chair of the department whether or not  
17 a resident felt that they were humiliated  
18 by being spoken to about an issue in front  
19 of their colleagues?

20 A. Of course it would concern me.

21 Q. But in this instance, did it  
22 concern you at all?

23 A. Yes, I was concerned.

24 Q. So did you ever speak with  
25 Dr. McCash to make some of these

1 PATRICK LENTO, M.D.

2 suggestions that you just testified to?

3 A. I did speak with Dr. McCash  
4 after the incident. I don't recall the  
5 details of the conversation.

6 Q. There is a handwritten note that  
7 appears on the second page of the  
8 document. Is that your handwriting?

9 A. Yes, sir.

10 Q. Did you write this note?

11 A. Yes, I did.

12 Q. You also indicated that  
13 Dr. Varughese needed to respond by this  
14 Thursday, December 23, 2010. Respond with  
15 regard to what?

16 A. That she would acknowledge the  
17 academic advisement.

18 Q. So what do you mean by acknowledge  
19 the academic advisement? What did she  
20 have to do?

21 A. That she understood what was  
22 expected of her.

23 Q. Did she really have a choice in  
24 that matter? She would have to adhere to  
25 it, would she not?

1 PATRICK LENTO, M.D.

2 A. Yes. It wasn't a question of  
3 choice.

4 Q. Did she get back to you by the  
5 23rd of December?

6 A. She did not.

7 Q. Did she send you an email on  
8 December 23, 2010, with regard to the  
9 academic advisement?

10 A. Yes, she did.

11 Q. Did you consider that to be a  
12 response?

13 A. No, sir.

14 Q. Let me show you Defendant's  
15 Exhibit 16. I'll give you a moment to  
16 review it. When you are ready, let me  
17 know.

18 (Witness reviews document.)

19 Q. You just testified that  
20 Dr. Varughese did not respond to the  
21 notice of academic advisement. Why would  
22 you consider Defendant's Exhibit 16 not to  
23 be a response to the notice of academic  
24 advisement?

25 A. The intention was that we would

1 PATRICK LENTO, M.D.

2 meet to discuss the events -- pardon me.  
3 Correction. To discuss the academic  
4 advisement after her meeting with  
5 Dr. Stimmel. What is not included here is  
6 that she called out sick on the day in  
7 question. And I emailed her to say Leena,  
8 you were supposed to get back to me, in a  
9 sense to go over the academic advisement.

10 I guess she subsequently  
11 submitted this after the fact.

12 Q. After what fact?

13 A. After I had indicated that it  
14 was decided at the prior meeting that she  
15 would speak with Dr. Stimmel and then get  
16 back to us on the day in question. She  
17 subsequently called in sick. And it  
18 wasn't until I followed up with her about  
19 it that she subsequently submitted this.

20 Q. How did you follow up with her  
21 about it?

22 A. I emailed her. That's the only  
23 way I could. She called out sick.

24 Q. You did receive this email on  
25 December 23, 2010?

1 PATRICK LENTO, M.D.

2 A. Yes, I did.

3 Q. And are you suggesting that  
4 Dr. Varughese's calling out sick was just  
5 a ploy and that she was not actually sick?

6 A. I don't know why she called out  
7 sick.

8 Q. But did you view it negatively,  
9 given the fact that she had called out  
10 sick?

11 A. People are allowed to get sick  
12 and are allowed to call out sick. Given  
13 that she was under the understanding of  
14 the responsibility for that particular  
15 day, I would have appreciated that she  
16 handled it differently.

17 Q. So even if she were sick, she  
18 was expected to come to work?

19 A. No. I would have appreciated a  
20 phone call or a specific email saying "I  
21 apologize, Dr. Lento. I recognize that I  
22 was supposed to get back to you on this  
23 day. But I'm sick and unable to handle it  
24 at this point."

25 Q. Is the issue with Defendant's

1 PATRICK LENTO, M.D.

2 Exhibit 16 that you wanted to sit down and  
3 have a conversation with Dr. Varughese or  
4 is it the contents of Defendant's Exhibit  
5 16 that was the problem?

6 A. It's not the contents.

7 Q. It was the fact that you were  
8 supposed to have a meeting and there  
9 wasn't a meeting?

10 A. Yes.

11 Q. Was there ever a meeting  
12 subsequent to Defendant's Exhibit 16 with  
13 Dr. Varughese to accomplish the task that  
14 you were hoping to accomplish on December  
15 23?

16 A. Yes. Not until maybe two weeks  
17 later.

18 Q. Two weeks later. Why was it two  
19 weeks later?

20 A. It was the holiday season. I  
21 was going to be away on vacation.

22 Q. Let's take a look at the email.  
23 Dr. Varughese states in the email "I would  
24 like the situation would be mediated as  
25 soon as possible and would have even

1 PATRICK LENTO, M.D.

2 agreed to academic advisement if not for  
3 the brief summary of events as stated in  
4 the notice of academic advisement."

5 Did you ever consider having a  
6 mediation between Dr. Varughese and  
7 Dr. McCash?

8 A. No, I did not.

9 Q. Why not?

10 A. I didn't feel that it was  
11 warranted.

12 Q. You were aware as of December 23,  
13 2010, of two situations where Dr. McCash  
14 and Dr. Varughese had had confrontations,  
15 were you not?

16 A. Yes.

17 Q. So why, given the fact that  
18 there had been two prior confrontations,  
19 did you not believe that it would be  
20 useful for the department to put these two  
21 professionals in the same room together  
22 and try to iron out the differences?

23 A. Well, for one, we had already  
24 dealt with the prior circumstance. At  
25 this point, after the holidays, both the

1 PATRICK LENTO, M.D.

2 GME office and human resources were  
3 involved at that point. And I didn't  
4 think that mediation would accomplish much  
5 at that point.

6 Q. In September 2010 when the first  
7 incident occurred, there wasn't mediation.  
8 And these doctors were not put in the same  
9 room to iron out their differences.  
10 Following this incident, that did not  
11 occur. Did you have any concerns that the  
12 department was encouraging a rift between  
13 these two doctors rather than sitting them  
14 down and trying to work them through the  
15 rift?

16 A. No, sir.

17 Q. Because by this point the  
18 department was taking sides in the  
19 dispute. Isn't that fair to say?

20 MR. McEVROY: Objection to the  
21 form of the question. You can answer.

22 A. I don't think this is taking  
23 sides. We were addressing Leena's  
24 behavior and her performance lapse, if you  
25 will, with the academic advisement.



1 PATRICK LENTO, M.D.

2 Q. Turning to the second page, you  
3 have had an opportunity to review it. Is  
4 there anything that you believe to be  
5 legitimate in what she wrote?

6 MR. McEVOY: Objection to the  
7 form. You can answer.

8 A. Based on my understanding, he  
9 shouted at her. I would agree.

10 Q. Anything else?

11 A. And I believe that shouting at  
12 her was also unprofessional.

13 Q. Anything else that you believe  
14 was legitimate or supported in this?

15 MR. McEVOY: Same objection.

16 A. I'm not sure that I have anything  
17 to add.

18 Q. Okay. You had previously  
19 testified that Dr. Varughese was perceived  
20 as being a physical threat to people who  
21 were there. What exactly was the physical  
22 threat that Dr. Varughese posed to anyone  
23 on December 8th, as you may or may not  
24 have concluded from your investigation?

25 MR. McEVOY: Objection to the

1 PATRICK LENTO, M.D.

2 form. You may answer.

3 A. My apologies. I don't recall  
4 saying that she was a physical threat.

5 Q. Was she threatening to anyone  
6 there, regardless of whether it was  
7 physical or not?

8 A. I believe so. The medical  
9 student apparently felt the need to leave  
10 the area, given the situation.

11 Q. Was it ever clarified with that  
12 student whether she was specifically  
13 threatened by Dr. Varughese or simply the  
14 fact that there was a conflict between  
15 Dr. Varughese and someone else?

16 A. I didn't speak directly to the  
17 student.

18 Q. Did you ever become aware that  
19 Caryn Tiger-Paillex of human resources  
20 became involved to conduct an investigation?

21 A. Yes.

22 Q. When did you first become aware?

23 A. I don't recall.

24 Q. Do you know how soon after the  
25 completion of your investigation you

1 PATRICK LENTO, M.D.

2 became aware?

3 A. No, sir.

4 Q. Did you have any involvement  
5 with the human resources investigation  
6 into the incident?

7 A. Yes, sir.

8 Q. What involvement did you have?

9 A. I was interviewed by Ms. Tiger-  
10 Paillex.

11 Q. Was anyone present besides  
12 yourself and Ms. Tiger-Paillex?

13 A. I don't recall anyone else at  
14 the meeting.

15 Q. Tell me what was said during the  
16 meeting.

17 A. I don't recall the specifics of  
18 that meeting.

19 Q. When were you interviewed?

20 A. I don't have the date.

21 Q. Did you have any other further  
22 involvement besides being interviewed  
23 yourself with the human resources  
24 investigation?

25 A. I do not believe so.

1 PATRICK LENTO, M.D.

2 Q. Did anyone from human resources  
3 ever advise you about the outcome of the  
4 investigation?

5 A. I think yes.

6 Q. Who advised you?

7 A. I believe there was a meeting  
8 with human resources.

9 Q. Who was present at the meeting?

10 A. I believe it was myself,  
11 Dr. Pessin, Dr. Barnett, Mr. Johnson from  
12 the GME office, and Caryn from human  
13 resources.

14 Q. Tell me what was said during  
15 that meeting.

16 A. I don't recall the details of  
17 the meeting.

18 Q. Who spoke at the meeting?

19 A. I don't recall the details of  
20 the meeting.

21 Q. I'm sorry. You may have said  
22 this. Was Caryn Tiger-Paillex at the  
23 meeting?

24 A. Yes.

25 Q. And this was regarding her

1 PATRICK LENTO, M.D.

2 investigation, this meeting?

3 A. I don't recall the specific  
4 reason for the meeting.

5 Q. When you first found out that  
6 human resources was involved -- strike  
7 that.

8 You don't recall how you found  
9 out that there was a human resources  
10 investigation?

11 A. I don't remember.

12 Q. But when you did find out, did  
13 you have any concerns about the fact that  
14 now dirty laundry from the Department of  
15 Pathology and the residency program was  
16 now going out to human resources?

17 MR. McEVOY: Objection to the  
18 form. You can answer.

19 A. Can you repeat that, please.

20 Q. Sure. Did you have any concerns  
21 that a matter that was internal to the  
22 Department of Pathology's residency  
23 program was now part of a human resources  
24 investigation?

25 A. No. That was an important part

1 PATRICK LENTO, M.D.

2 of the investigation.

3 Q. Did you welcome that investigation  
4 by human resources?

5 A. If Dr. Varughese felt it was  
6 necessary and so did human resources, then  
7 sure.

8 Q. Was there any other investigation  
9 that you knew about going on at the same  
10 time as human resources was investigating?

11 A. Yes.

12 Q. What other investigation was  
13 ongoing?

14 A. The GME office was also performing  
15 their own investigation.

16 Q. Why was the GME office conducting  
17 a separate investigation from human  
18 resources?

19 A. You would have to ask GME  
20 specifically to answer that question.

21 Q. Did you make any referral to the  
22 GME office of Dr. Varughese?

23 A. She had already been referred by  
24 Dr. Pessin at the time of the initial  
25 incident.

1 PATRICK LENTO, M.D.

2 Q. Did you have any involvement  
3 with GME's investigation?

4 A. I'm sure that they interviewed  
5 me as well.

6 Q. Who was "they"?

7 A. That would have been Mr. Johnson.

8 Q. Did Art Figur have any involvement?

9 MR. McEVOY: Involvement in  
10 what?

11 Q. In the interview of you for the  
12 GME investigation.

13 A. I don't recall.

14 Q. What is the Physician Wellness  
15 Committee?

16 A. Well, Physician Wellness is  
17 obviously there to ensure the physical and  
18 mental health of physicians, whether they  
19 are residents or attendings, et cetera, in  
20 a confidential manner.

21 Q. Do you know whether or not there  
22 was a separate investigation conducted by  
23 members of the PDC from the investigation  
24 that was conducted by the GME?

25 A. I believe yes.

1 PATRICK LENTO, M.D.

2 Q. So there were in fact three  
3 investigations that went on?

4 A. Well, I'm not sure if the third  
5 one would be considered an investigation.  
6 I know the Physician Wellness was  
7 involved. Whether you want to consider  
8 that an investigation or not, you have to  
9 ask them specifically.

10 Q. Were you interviewed for the  
11 Physician Wellness Committee?

12 A. I don't recall being interviewed.

13 Q. And would it be fair to say that  
14 Mr. Johnson had conducted the interview  
15 for GME, but that it was Art Figur who was  
16 doing the investigation for PWC?

17 MR. McEVOY: Objection to the  
18 form. You can answer.

19 A. Dr. Figur was the head of the  
20 Physician Wellness.

21 Q. Do you know whether or not Scott  
22 Barnett was involved in the GME  
23 investigation?

24 A. Well, he is the director of the  
25 GME office. I would imagine he was



1 PATRICK LENTO, M.D.

2 involved.

3 Q. Did you have any conversations  
4 with Dr. Barnett about whether he needed  
5 to speak with Dr. Varughese at the turn of  
6 the year in 2011?

7 A. Yes.

8 Q. And what were those discussions  
9 about?

10 A. That was as a follow-up to our  
11 meeting following our initial presentation  
12 of the academic advisement.

13 Q. What did the two of you discuss?

14 A. I let Dr. Barnett know that  
15 Leena had called out sick on the day we  
16 were supposed to meet and that I was going  
17 to schedule another meeting with her at  
18 that time or at that point. I did so with  
19 Ms. Burstyn or Mrs. Burstyn. And  
20 Dr. Barnett had indicated that he would  
21 also speak with Leena if necessary.

22 Q. In January of 2011, did you  
23 notice whether Dr. Varughese's attitude  
24 had improved?

25 A. Yes, I did.

1 PATRICK LENTO, M.D.

2 Q. What did you observe in that  
3 regard?

4 A. It was not so much an  
5 observation. But if I recall correctly,  
6 she was at an outside institution, one of  
7 our affiliates, on a rotation. And I just  
8 followed up with the site director to see  
9 how things were going. And he said that  
10 there were no major problems. So I  
11 actually believe that I let Dr. Varughese  
12 know that.

13 Q. Did you have the occasion to  
14 review any of her evaluations from her  
15 rotations during the period of the  
16 academic advisement?

17 A. No, I did not.

18 Q. When would you as the program  
19 director have the occasion to review  
20 evaluations of a resident?

21 A. In general, we would do that  
22 twice a year, often in November or  
23 December and again toward the end of the  
24 year. However, residents were in fact  
25 assigned to a mentor who was the primary

1 PATRICK LENTO, M.D.

2 person who would do that.

3 Q. Is there a reason why you would  
4 not have made it a point to take a look at  
5 the evaluations that were being generated  
6 for Dr. Varughese by attendings in  
7 rotations to determine whether or not  
8 these attendings who had regular  
9 interaction with her felt that she was  
10 maintaining levels of professionalism?

11 A. Without recollecting her  
12 particular rotations, that's hard for me  
13 to answer.

14 Q. What rotation would Dr. Fowkes  
15 have been on?

16 A. She could have been involved in  
17 the autopsy service in one of two  
18 capacities. Or she could have been in her  
19 primary role as a neuropathologist.

20 Q. Were you aware of the fact that  
21 in evaluations for the period of March 14,  
22 2011, to March 31, 2011, as well as  
23 April 1, 2011, to April 10, 2011, that she  
24 had given Dr. Varughese sevens in  
25 professionalism?

1 PATRICK LENTO, M.D.

2 A. No, I was not aware of that.

3 Q. How about Dr. Petersen? Do you  
4 know what rotation Dr. Varughese had with  
5 Dr. Petersen from January 17, 2011 to  
6 February 13, 2011?

7 A. No, sir.

8 Q. Were you aware of the fact that  
9 he had graded her a seven in  
10 professionalism during that period of  
11 time?

12 A. No, sir.

13 Q. Is a seven close to being at the  
14 top of the scale in terms of adhering to  
15 what is expected?

16 A. Yes.

17 Q. How about Lakshmi Ramanathan?  
18 What area of rotation did Dr. Ramanathan  
19 have in the period of in April 25, 2011 to  
20 May 8, 2011?

21 A. Dr. Ramanathan was the director  
22 of the clinical chemistry rotation for the  
23 residents.

24 Q. Were you aware during that time  
25 period that this doctor had graded

1 PATRICK LENTO, M.D.

2 Dr. Varughese as a seven for professionalism?

3 A. No, sir.

4 Q. How about Dr. Irini Scordibello?  
5 What area would Dr. Varughese have been  
6 rotating through?

7 A. Most likely the autopsy service.

8 Q. Dr. Scordibello from January 1,  
9 2011 to January 16, 2011, were you aware  
10 of the fact that she had graded her an  
11 eight in professionalism?

12 A. No, I don't recall.

13 Q. Were any of those scores at all  
14 relevant in the way that you were  
15 perceiving Dr. Varughese and the way she  
16 was conducting herself at Mount Sinai  
17 Medical Center?

18 MR. McEVROY: Objection to the  
19 form. You can answer.

20 A. We had asked her as a follow-up  
21 to the incident to conduct herself in a  
22 professional manner. And these  
23 individuals felt as they did and indicated  
24 so on the evaluation.

25 Q. Putting aside the issue of the

1 PATRICK LENTO, M.D.

2 self-assessment and whether that was  
3 timely with Dr. Varughese, were you aware  
4 of any incidents during the period of  
5 academic advisement with regard to  
6 Dr. Varughese that would have warranted  
7 any further discipline?

8 MR. McEVOY: During what time  
9 period?

10 MR. WRONKO: This is the period  
11 of the academic advisement.

12 MR. McEVOY: Okay.

13 A. No, sir.

14 Q. Did you meet with Dr. Varughese  
15 during the period of academic advisement?

16 A. Yes.

17 Q. On how many occasions?

18 A. I only recall one.

19 Q. What was the one that you  
20 recall?

21 A. It was in February. I believe  
22 it was February.

23 Q. Tell me what you recall of that  
24 meeting.

25 A. So I had tried to set up

1 PATRICK LENTO, M.D.

2 appointments with Dr. Varughese prior and  
3 was unsuccessful. I let her know that we  
4 needed to meet for the academic  
5 advisement. We also needed to follow up  
6 on an autopsy that was outstanding. And  
7 so rather than have the situation be  
8 solely about the academic advisement, I  
9 thought it would be better, better for  
10 Leena in a less threatening manner to meet  
11 and do some work and then we could follow  
12 up on the academic advisement.

13 Q. Did you believe that the  
14 academic advisement was threatening?

15 A. No. But that the situation of  
16 the meeting might have been perceived as  
17 threatening.

18 Q. Why is that?

19 A. Because she wasn't in agreement  
20 with the academic advisement.

21 Q. If the point of academic  
22 advisement was academic in order to try to  
23 encourage this particular resident to  
24 learn from perceived mistakes, why did you  
25 feel the need, along with your cohorts in

1 PATRICK LENTO, M.D.

2 the administration to include threats of  
3 termination with it?

4 MR. McEVOY: Objection to the  
5 form of the question. You can answer.

6 A. Those are to put someone on  
7 notice that there are potential consequences  
8 of someone's actions.

9 Q. Tell me about this meeting that  
10 you had with Dr. Varughese.

11 A. So what I recall is I had --  
12 since Leena did not answer my pages  
13 generally, I actually emailed her. And I  
14 said that I needed to meet with her on a  
15 specific date. I believe it was a Friday.  
16 And I asked her for the time that would be  
17 most convenient for her.

18 Q. Did you in fact meet on Friday?

19 A. We did not.

20 Q. Did you ultimately meet?

21 A. We ultimately met after I waited  
22 on the Friday for Dr. Varughese to show up  
23 and she did not. I emailed her to say  
24 that "You had told me you could be here at  
25 5:30, and I waited. It's now," I don't



1 PATRICK LENTO, M.D.

2 even know what time it was at that point.  
3 Seven o'clock. Maybe later. "It's  
4 obvious that you are not showing up."

5 And we met within the next two  
6 weeks, because I was away on vacation the  
7 following week.

8 Q. Let me show you what was marked  
9 as Defendant's Exhibit 22. Do you recall  
10 this email?

11 A. Yes.

12 Q. In this email, in the first  
13 email that is sent from you to Leena, you  
14 write "I need to meet with you tomorrow.  
15 Please let me know of potential available  
16 times."

17 A. Mm-hmm.

18 Q. And then Dr. Varughese responds  
19 "I can meet with you at 5:30 p.m.  
20 tomorrow. May I ask what is the meeting  
21 regarding?" You respond "Well, two  
22 things. I was hoping we could look at one  
23 of your autopsy cases that we have  
24 together and also follow up on the  
25 academic advisement stuff."

1 PATRICK LENTO, M.D.

2 Why is it that you did not write  
3 back "I'm available at 5:30. Let's set  
4 the meeting for that time"?

5 A. Because I had already told her  
6 that I needed to meet with her. It was up  
7 to her to set the time. She told me the  
8 time. I responded to her a question what  
9 it would be about.

10 Q. But that isn't true. If you  
11 look at the email, you say "Let me know of  
12 potential available times." Wouldn't that  
13 indicate to someone reading it that you  
14 might potentially not be available?

15 A. No. I was going to meet with  
16 her regardless of the time she indicated.  
17 I wanted to provide her with the leverage  
18 or the convenience of time. She gave me  
19 one time.

20 Q. Why didn't you tell her that,  
21 that she was in essence setting the time  
22 of the meeting, as opposed to saying  
23 "Please let me know of potential available  
24 times," in the plural, saying in other  
25 words, you are asking for a choice of

1 PATRICK LENTO, M.D.

2 times, which indicates that you are busy,  
3 doesn't it?

4 A. No, sir.

5 Q. So that's not a fair reading of  
6 this email?

7 A. No, sir.

8 Q. For how long had Dr. Varughese  
9 not been responding to your pages?

10 MR. McEVROY: Objection to the  
11 form. You can answer.

12 A. I don't have a Leena list of  
13 infractions.

14 Q. Did it start in the first year  
15 of her residency?

16 A. I can't tell you exactly when,  
17 no.

18 Q. Did it start in the second year?

19 A. I can't tell you exactly when,  
20 no.

21 Q. Did it happen as recent as the  
22 rotation you had with Dr. Varughese in  
23 December of 2010?

24 A. I can't provide you with a  
25 specific example.

1 PATRICK LENTO, M.D.

2 Q. Isn't it true that in December  
3 of 2010, when she was on your rotation,  
4 you had given her a passing score of a  
5 five with regard to professionalism?

6 A. Yes. That may be true.

7 Q. If in fact she was not  
8 responding to your pages, why would you  
9 have given her a five?

10 MR. McEVROY: Objection. That's  
11 completely mischaracterizing the witness's  
12 testimony.

13 Q. You made a broad statement she  
14 never answered your pages. Did she answer  
15 your pages when she was on that rotation  
16 in December 2010?

17 A. I don't recall.

18 Q. So on what do you base your  
19 testimony that she did not answer your  
20 pages?

21 A. I don't have a documented account.

22 Q. Was this a problem in the  
23 residency program in terms of people not  
24 responding to pages?

25 A. Not that I recall, no.

1 PATRICK LENTO, M.D.

2 Q. Was there ever a time in meeting  
3 minutes of the residents that the  
4 residents in the program were instructed  
5 that if they did not respond to pages,  
6 they would be disciplined?

7 A. There may have been a reminder  
8 to residents to respond to pages.

9 Q. Why would there be the necessity  
10 of a reminder if it wasn't a more  
11 widespread problem beyond Dr. Varughese?

12 A. We remind residents of many  
13 things.

14 Q. Regardless of whether there is a  
15 problem with it?

16 A. Of course.

17 Q. Were you being kept abreast of  
18 what the Physician Wellness Committee was  
19 doing with Dr. Varughese?

20 A. I don't recall being kept  
21 abreast.

22 Q. Were you aware of the fact that  
23 Dr. Varughese was sent for a toxicology  
24 screening?

25 A. She may have been.

1 PATRICK LENTO, M.D.

2 Q. Were you advised of the fact  
3 that she was sent to Dr. Fersh, who my  
4 understanding is an psychiatrist, for an  
5 administrative examination?

6 A. That may be true.

7 (Plaintiff's Lento Exhibit 3  
8 marked for identification.)

9 Q. I'll give you a moment to review  
10 Lento Exhibit 3. Tell me when you are  
11 ready.

12 (Witness reviews document.)

13 Q. Are you ready?

14 A. Yes.

15 Q. Okay. Do you recall receiving  
16 this email?

17 A. Yes.

18 Q. Why is it that you were being  
19 kept abreast about what the Physician  
20 Wellness Committee was doing with  
21 Dr. Varughese?

22 MR. McEVOY: Objection to the  
23 form. You can answer.

24 A. That was their decision to  
25 advise me of what they have indicated.

1 PATRICK LENTO, M.D.

2 Q. Were you ever advised about any  
3 conclusions that Dr. Ferish had reached?

4 A. No, sir.

5 Q. Why was Dr. Varughese at work  
6 during this period, when she was  
7 undergoing a toxicology screen as well as  
8 an examination by Dr. Ferish?

9 A. There was no indication that she  
10 needed to stop her residency to undergo  
11 these things.

12 Q. Well, here you have a resident  
13 who is being examined by a psychiatrist  
14 under order of the institution. Wasn't  
15 there a concern that here you have a  
16 person who may have a psychiatric  
17 condition engaged in patient care?

18 A. A decision to take a leave of  
19 absence or something of that nature would  
20 be a decision between the resident and a  
21 treating physician or the treating  
22 physician. That's not a decision for me  
23 to make.

24 Q. Wouldn't it be a decision for  
25 the department to make to say to

1 PATRICK LENTO, M.D.

2 Dr. Varughese "Hey, you are going for a  
3 toxicology screen. You are being examined  
4 by a psychiatrist. Take the week off. We  
5 don't want you handling any patient care  
6 related issues"?

7 A. No, I don't believe that that  
8 would be appropriate.

9 Q. Why wouldn't that be appropriate?

10 A. My understanding of a toxicology  
11 test is it's either a urine test or blood  
12 test. And I don't know the details of the  
13 evaluation that you are referring to.

14 Q. But was there a perception that  
15 Dr. Varughese needed to be examined by a  
16 psychiatrist?

17 MR. McEVOY: Perception by who?

18 Q. Did you have a perception that  
19 Dr. Varughese needed to be examined by a  
20 psychiatrist?

21 A. This was not my decision to  
22 make.

23 Q. Okay. Whose decision was it to  
24 make?

25 A. This was based upon Dr. Figur's



1 PATRICK LENTO, M.D.

2 evaluation as the head of the Physician  
3 Wellness Committee.

4 Q. And did Dr. Figur express to you  
5 whether he believed that, based on his  
6 dealings with Dr. Varughese, that a  
7 psychiatric examination would be  
8 appropriate?

9 A. Obviously he felt it was  
10 appropriate if he made the referral.

11 Q. So did you understand as of  
12 April 12, 2011, who Dr. Fersh was?

13 A. I only know what you have  
14 discussed with me right now.

15 Q. Well, listen to my question. As  
16 of April 12, 2011, did you know who  
17 Dr. Fersh was?

18 A. Yes.

19 Q. You knew her to be a psychiatrist,  
20 right?

21 A. She was a physician that Dr. Figur  
22 had referred her to.

23 Q. But did you know her area of  
24 expertise?

25 A. I don't recall specifically.

1 PATRICK LENTO, M.D.

2 Q. Let me show you what was  
3 previously marked as Cardo 10. I'm not  
4 going to ask you to read all these meeting  
5 minutes. My question only goes to number  
6 7 on the first page. Tell me when you are  
7 ready.

8 (Witness reviews document.)

9 Q. Resident meeting minutes for  
10 June 7, 2011, indicates the residents were  
11 being instructed that their pagers must be  
12 on you at all times during the workday.  
13 It states that if they fail to carry the  
14 pager or respond to pagers throughout the  
15 day, it would result in a letter of  
16 reprimand. Were you aware of this  
17 instruction given to your residents?

18 A. I think I was, yes.

19 Q. Did you request that that  
20 instruction be given?

21 A. I do not believe that I made  
22 this request, no.

23 Q. Do you know whether there were  
24 any letters of reprimand placed in any  
25 resident's file as a result of not

1 PATRICK LENTO, M.D.

2 carrying a pager or responding to pages?

3 A. Not that I'm aware.

4 Q. When did the period of academic  
5 advisement end for Dr. Varughese?

6 A. The time period was, as  
7 indicated in the advisement letter, I  
8 believe it was a three-month period.

9 Q. Did you advise Dr. Varughese  
10 that the academic advisement period had  
11 concluded?

12 A. That the period of three months  
13 had concluded. Correct.

14 Q. What was supposed to happen at  
15 the end of three months?

16 A. Well, assuming that Leena had  
17 completed the academic advisement, we  
18 would meet and discuss how to proceed  
19 further.

20 Q. Was the process ever described  
21 to Dr. Varughese as to what was going to  
22 happen at the conclusion of the academic  
23 advisement period and thereafter?

24 (Witness reviews documents.)

25 A. Yes. For one, we noted in the

1 PATRICK LENTO, M.D.

2 letter that "We will meet again in three  
3 months to review your progress."

4 Q. Prior to meeting with  
5 Dr. Varughese to review her progress, had  
6 you been apprised of the fact that  
7 Dr. Varughese had made an allegation to  
8 human resources that she was the victim of  
9 gender discrimination?

10 A. Not at that point, no.

11 Q. At what point did you become  
12 aware of that?

13 A. I think it was maybe in April or  
14 May.

15 Q. How did you become aware of it?

16 A. I don't recall who informed me.

17 Q. Do you know whether Caryn  
18 Tiger-Paillex informed you?

19 A. I don't remember who informed  
20 me.

21 Q. Did you receive notification at  
22 the same time that she had alleged that  
23 she was being retaliated against?

24 A. Did I receive a notification?

25 Q. Did you become aware of the fact

1 PATRICK LENTO, M.D.

2 that she was alleging that she was being  
3 retaliated against?

4 A. I don't remember that.

5 Q. Did Dr. Varughese prepare a  
6 self-reflection?

7 A. She prepared two self-reflections.

8 Q. When was the first one submitted  
9 to you?

10 A. End of March.

11 Q. I show you what was previously  
12 marked as Defendant's Exhibit 21. Is  
13 Defendant's Exhibit 21 the self-reflection  
14 of the plaintiff?

15 A. I believe it is.

16 Q. What did you do upon receipt of  
17 that notice of academic advisement? I'm  
18 sorry. The self-reflection.

19 A. I read it.

20 Q. Did you forward it to anyone?

21 A. I don't recall.

22 Q. Did you forward it to Dr. Pessin?

23 A. I don't recall.

24 Q. Let me show you what was marked  
25 as Pessin 15. I'll ask whether this

1 PATRICK LENTO, M.D.

2 refreshes your recollection as to whether  
3 you forwarded it to Dr. Pessin.

4 (Witness reviews document.)

5 Q. Does this document refresh your  
6 recollection as to whether you forwarded  
7 the self-reflection of Dr. Varughese to  
8 Dr. Pessin?

9 A. Obviously I did.

10 Q. Did you have any conversations  
11 with Dr. Pessin about her viewpoint or her  
12 views upon reading the self-reflection?

13 A. I don't recall having a  
14 conversation with her.

15 Q. Did she ever express to you that  
16 Dr. Varughese twisted all the events and  
17 much is blatantly not true?

18 A. I don't recall that. And the  
19 email that specifies that was not addressed  
20 to me.

21 Q. Right. Did she ever express to  
22 you that she felt that you, Dr. McCash and  
23 herself were being harassed and slandered?

24 A. I don't recall that.

25 Q. Dr. Pessin asks Dr. Tiger-Paillex

1 PATRICK LENTO, M.D.

2 what recourse is there now. Did you  
3 discuss the issue of recourse with  
4 Dr. Pessin?

5 A. I wasn't part of this conversation.

6 Q. I understand that. I'm asking  
7 whether or not, separate and aside from  
8 this email chain, did you have any  
9 conversation with her about it?

10 A. I do not recall having a  
11 conversation about recourse.

12 Q. When you read the self-reflection,  
13 did you share in Dr. Pessin's beliefs that  
14 Dr. Varughese had twisted all the events  
15 and much is blatantly not true in the  
16 self-reflection?

17 A. I didn't feel that the self --  
18 sorry. Can you rephrase the question.

19 Q. I'm asking whether or not you  
20 shared in Dr. Pessin-Minsley's belief that  
21 Dr. Varughese had twisted all the events  
22 and that much is blatantly not true in the  
23 self-reflection.

24 A. I didn't believe that some of  
25 the events as outlined may have been true.

1 PATRICK LENTO, M.D.

2 Q. Did you believe that you were  
3 being slandered by this document, being  
4 the self-reflection?

5 A. I never said that.

6 Q. I'm asking you whether or not  
7 you believed it.

8 A. I did not.

9 Q. Did you believe that there was  
10 anything in this document that warranted  
11 Dr. Varughese to be disciplined?

12 A. Based on the academic advisement?  
13 No. Except that she did not fulfill the  
14 criteria that we had outlined in the  
15 academic advisement about what the letter  
16 was supposed to consist of.

17 Q. Tell me how she did not fulfill  
18 the criteria.

19 A. The letter was intended to be an  
20 educational -- the self-reflection was  
21 intended to be an educational exercise  
22 whereby Dr. Varughese would outline, based  
23 upon her reading of the book by Dr. Beeson  
24 how she could have handled the situation  
25 differently. And, if I recall correctly,



1 PATRICK LENTO, M.D.

2 the letter seemed to just recount the  
3 events as she saw them happen.

4 Q. Based on your understanding of  
5 what occurred by investigating the matter,  
6 how do you believe she could have handled  
7 it differently?

8 A. I think that she could have  
9 acted in a similar fashion to the way I  
10 described Dr. McCash may have been able to  
11 handle it, in a more discrete fashion.

12 And I believe that despite the  
13 altercation, that she could have completed  
14 her duties as a resident or at the very  
15 least asked for help.

16 Q. How could she have asked for  
17 help if she was being assailed for asking  
18 for help with regard to grossing samples  
19 or specimens?

20 MR. McEVOY: Objection to the  
21 form. You can answer.

22 A. My understanding was that she  
23 didn't ask for help with regard to the  
24 specimens.

25 Q. Well, didn't she ask for help

1 PATRICK LENTO, M.D.

2 from the moonlighters that were there?

3 A. You would have to ask the  
4 moonlighter if she asked for help. The  
5 point was that after the incident, she  
6 should have asked for help in completing  
7 her duties.

8 Q. Wasn't it in fact the case that  
9 on that particular day, Dr. Azar came on  
10 to moonlight and found that there wasn't  
11 much for him to do and asked Dr. Varughese  
12 for samples to work on? I'm saying  
13 samples. I mean specimens.

14 A. That's okay. I don't have  
15 evidence of that. You would have to ask  
16 Dr. Azar if he did that.

17 Q. Did you interview Dr. Azar?

18 A. I did.

19 Q. Did he indicate to you what the  
20 workload was that day for him?

21 A. I don't recall him indicating  
22 that, no.

23 Q. Given the fact that Dr. Azar was  
24 there, did you consider that in terms of  
25 your analysis as to whether it was

1 PATRICK LENTO, M.D.

2 inappropriate for Dr. Varughese to give  
3 him some work, since he was available?

4 MR. McEVOY: Objection to the  
5 form. It's been asked and answered a  
6 whole bunch of time. He can answer one  
7 more time.

8 MR. WRONKO: Not with regard to  
9 Dr. Azar.

10 Q. You can answer.

11 A. The point of the moonlighter  
12 wasn't to do the work of the resident.  
13 The point of the moonlighter was to assist  
14 or aid in the work being done within the  
15 gross room.

16 Q. So in that case, should Dr. Azar  
17 have gone home?

18 A. If there was no work for him to  
19 do?

20 Q. Right.

21 A. If there was no work for him to  
22 do, then perhaps yes.

23 Q. Did you meet with anyone prior  
24 to meeting with Dr. Varughese about her  
25 self-assessment?

1 PATRICK LENTO, M.D.

2 A. I don't recall any meeting.

3 Q. Did you meet with Carlos  
4 Cordon-Cardo with regard to the situation  
5 with Dr. Varughese?

6 A. I don't recall meeting.

7 Q. Did you take any steps to advise  
8 Dr. Cordon-Cardo about what was going on  
9 in terms of the academic advisement?

10 MR. McEVOY: At any particular  
11 point in time?

12 Q. Prior to the May 4, 2010,  
13 meeting.

14 MR. McEVOY: What May 4, 2010,  
15 meeting? You haven't asked him anything  
16 about a May 4, 2010, meeting.

17 Q. Did you ultimately meet with  
18 Dr. Varughese on May 4, 2010?

19 A. No, sir. It was 2011.

20 Q. Did you meet with Dr. Varughese  
21 on May 4, 2011?

22 A. Yes, I did.

23 Q. So prior to that May 4, 2011,  
24 meeting, had you had any meetings with  
25 Dr. Cordon-Cardo with regard to the

1 PATRICK LENTO, M.D.

2 situation with Dr. Varughese?

3 A. I don't recall.

4 Q. Do you know whether there was  
5 anyone else who took the laboring oar in  
6 terms of bringing Dr. Cordon-Cardo up to  
7 speed on what was going on with  
8 Dr. Varughese?

9 A. Under the circumstances of the  
10 transition from Dr. Pessin, who is the  
11 interim chair, to the new chair, that  
12 would have been the responsibility of the  
13 interim chair.

14 Q. Were you present for any of the  
15 meeting between Dr. Pessin and Dr. Cordon-  
16 Cardo?

17 A. I don't believe so, no.

18 Q. Do you have any knowledge as to  
19 whether or not she expressed the views  
20 that she had indicated in Pessin 15 to  
21 Dr. Cordon-Cardo?

22 A. I have no idea.

23 Q. Tell me what happened on May 4,  
24 2011.

25 A. So that was a follow-up meeting

1 PATRICK LENTO, M.D.

2 in Dr. Cordon-Cardo's office between  
3 Dr. Varughese, myself, Dr. Cordon-Cardo  
4 and Mr. Castaldi, the new departmental  
5 administrator.

6 Q. When Dr. Varughese had been  
7 given the notice of academic advisement,  
8 it was just you and Dr. Pessin; is that  
9 correct?

10 A. That's correct.

11 Q. Why is it that Mr. Castaldi was  
12 then part of this meeting?

13 A. Dr. Cordon-Cardo had asked for  
14 his presence.

15 Q. Did he explain to you why he had  
16 asked for Mr. Castaldi to be there?

17 A. I do not believe so.

18 Q. Did you invite Dr. Cordon-Cardo  
19 to be a part of this meeting?

20 A. I don't believe I was the one  
21 who set up the meeting.

22 Q. Who was the person who set up  
23 the meeting?

24 A. I believe it was Dr. Cordon-Cardo.

25 Q. Do you recall any of your

1 PATRICK LENTO, M.D.

2 communications with Dr. Cordon-Cardo prior  
3 to or leading up to this meeting being set  
4 up?

5 A. No, sir.

6 Q. What happened prior to the  
7 meeting? Did anything happen prior to the  
8 meeting on that day, May 4, 2011?

9 MR. McEVROY: Did anything happen  
10 about what?

11 MR. WRONKO: Fair enough.

12 Q. Did Dr. Varughese arrive early  
13 to the meeting?

14 A. That I don't recall.

15 Q. Do you know whether she was ever  
16 criticized for arriving early to the  
17 meeting?

18 A. I don't recall that.

19 Q. Did she interrupt any very  
20 important meeting that was taking place by  
21 arriving early?

22 A. I don't recall.

23 Q. How about on May 24, 2011, at  
24 the follow-up meeting? Had she arrived  
25 early and interrupted any type of a

1 PATRICK LENTO, M.D.

2 meeting?

3 A. Not that I recall.

4 Q. Tell me what happened at the  
5 May 4, 2011, meeting with Dr. Varughese.

6 A. I actually asked Dr. Varughese  
7 if she had read the book. I indicated  
8 that her academic advisement reflection  
9 essay didn't meet the standard that we had  
10 expected, based upon our discussions and  
11 what was indicated in the academic  
12 advisement.

13 Dr. Varughese told me she had  
14 read the book. So I asked her to give me  
15 some information about what she may have  
16 read. And she said it was about  
17 professionalism, which to me was pretty  
18 obvious. Didn't expound much on that. So  
19 like you did not too long ago, asked her  
20 the author of the book, and she was unable  
21 to give the name. So it was apparent that  
22 she hadn't read the book.

23 Interestingly, Dr. Cordon-Cardo  
24 at that point nicely said, "Listen," this  
25 was to Dr. Varughese, that he was new to



1 PATRICK LENTO, M.D.

2 the department and it was obvious that she  
3 hadn't read the book. But, given the  
4 circumstances and their new relationship,  
5 he was willing to allow her some  
6 additional time to work on a more  
7 appropriate reflection essay, and in a  
8 sense offered her an olive branch, you  
9 know, to proceed.

10 Q. Were you concerned, as you were  
11 during your February meeting, that the  
12 meeting would appear threatening to  
13 Dr. Varughese by having three people there  
14 at the meeting?

15 A. No, I didn't think about it  
16 being threatening.

17 Q. At the very beginning of the  
18 meeting, had you begun by in essence  
19 cross-examining Dr. Varughese about her  
20 self-reflection and whether or not she had  
21 read the book?

22 MR. McEVOY: Objection to the  
23 form. You can answer.

24 A. First we would have said hello  
25 to Leena. So we wouldn't have started off

1 PATRICK LENTO, M.D.

2 just by engaging in questions.

3 Q. But after the pleasantries,  
4 isn't it fair to say that you immediately  
5 began engaging in questions?

6 A. Right. So the purpose of the  
7 meeting was to follow up, as was outlined  
8 in the academic advisement. Based on, as  
9 I mentioned, the academic advisement, we  
10 discussed it.

11 Q. Was it really a discussion or  
12 you asking her questions and trying to pin  
13 her down to establish that she had not  
14 done what you wanted with regard to the  
15 self-reflection and had not read the book?

16 MR. McEVOY: Objection to the  
17 form. You can answer.

18 A. I had indicated to Dr. Varughese  
19 that I didn't think the academic  
20 advisement had met the criteria that we  
21 had outlined and discussed regarding  
22 academic advisement.

23 Q. Had you thought that it was  
24 unprofessional for Dr. Varughese to have  
25 made allegations that she was the victim

1 PATRICK LENTO, M.D.

2 of gender discrimination?

3 A. Inappropriate? No.

4 Q. Unprofessional?

5 A. Why would that be unprofessional?

6 MR. McEVOY: No, you are being  
7 asked the question.

8 A. No.

9 Q. Following the meeting, were you  
10 made aware by Dr. Cordon-Cardo that  
11 Dr. Varughese had reiterated her complaint  
12 that she was the victim of gender  
13 discrimination and retaliation?

14 A. I don't recall that.

15 Q. When you first became aware that  
16 Dr. Varughese had made the allegation of  
17 gender discrimination, did you do anything  
18 to institute an investigation into that  
19 particular allegation or to follow up with  
20 anyone?

21 A. That would not have been my  
22 responsibility.

23 Q. Why wouldn't it have been your  
24 responsibility upon learning that, to  
25 ensure that Mount Sinai's anti-discrimination

1 PATRICK LENTO, M.D.

2 policy procedures were followed?

3 A. I believe that would be the  
4 responsibility of whomever Dr. Varughese  
5 spoke about it. I believe it was human  
6 resources.

7 Q. Is it your testimony that when  
8 you found out, you knew that human  
9 resources had already been apprised of  
10 that particular allegation?

11 A. Well, this meeting was in May.  
12 I believe, based on our prior  
13 conversation, that I was under the  
14 understanding of an allegation sometime in  
15 April.

16 Q. Did Dr. Cordon-Cardo advise you  
17 that Dr. Varughese had reiterated that  
18 allegation following the May 4th meeting?

19 A. I don't recall that.

20 Q. Did you believe that Dr. Varughese  
21 should have been further disciplined or  
22 terminated following the May 4th meeting?

23 A. Dr. Cordon-Cardo decided that  
24 she would not be; that she would be given  
25 the opportunity to --

1 PATRICK LENTO, M.D.

2 Q. Right. I understand that  
3 Dr. Cordon-Cardo made that decision. But  
4 what I'm asking you is whether or not you  
5 believe as the program director that  
6 Dr. Varughese should have been further  
7 disciplined and/or terminated as a result  
8 of the issues that you brought to her  
9 attention at that May 4th meeting.

10 A. Should have been implies a  
11 decision already made. At that point, we  
12 hadn't or I had not made a decision about  
13 what to do.

14 Q. Now, between that first meeting  
15 and the second meeting, had you received  
16 any reports about any incidents involving  
17 Dr. Varughese in the performance of her  
18 job responsibilities or anything about  
19 poor performance?

20 MR. McEVROY: That's between May  
21 4 and May 24?

22 MR. WRONKO: Correct.

23 A. I don't recall.

24 Q. Had anyone during that time --  
25 had you spoken with anyone during that

1 PATRICK LENTO, M.D.

2 time period in the residency program to  
3 tell them to keep tabs on Dr. Varughese to  
4 see whether or not she was making mistakes  
5 anywhere?

6 A. Tabs? No, I don't recall doing  
7 that.

8 Q. Okay. So tell me what happened  
9 at the May 24th meeting.

10 A. So again, Dr. Cordon-Cardo  
11 arranged for a meeting on May 24th based  
12 on the outcome of the May 4th meeting.  
13 The expectation was that Leena would  
14 provide us with a reworking of her  
15 reflection essay. I believe Dr. Cordon-Cardo  
16 had indicated to Leena that, you know, she  
17 needed to provide it within a certain  
18 period of time so that we could review it  
19 in advance of the meeting so we could have  
20 a meaningful discussion.

21 And at the meeting, which was  
22 relatively brief, it was essentially run  
23 by Dr. Cordon-Cardo, who noted that  
24 Dr. Varughese's academic advisement did  
25 not come in within the time period he had

1 PATRICK LENTO, M.D.

2 requested. If I recall correctly, she  
3 submitted it perhaps that morning or at  
4 the meeting. So he didn't really have a  
5 chance to go over it.

6 He did ask her if she had read  
7 the book, which apparently she had maybe  
8 on her lap. And at that point she kind of  
9 threw it up on the table and said "What?  
10 This book?"

11 Q. Anything else?

12 A. Well, it was at that point that  
13 Dr. Cordon-Cardo was upset. And he  
14 basically ended the meeting. He told  
15 Dr. Varughese that she had to leave.

16 Q. So had you reviewed -- I think  
17 you had indicated you had not reviewed the  
18 amendment to the second reflection prior  
19 to that meeting.

20 A. Right. I think we may have  
21 looked at it during the meeting, but I'm  
22 not 100 percent sure.

23 Q. Did there come a point when you  
24 read the second reflection?

25 A. Yes.

1 PATRICK LENTO, M.D.

2 Q. When did you read it?

3 A. That I don't recall.

4 Q. At the meeting with regard to  
5 the second reflection, did Dr. Varughese  
6 raise the issue that she was being  
7 retaliated against?

8 A. I don't recall that being  
9 raised.

10 Q. Did Dr. Cordon-Cardo at that  
11 second meeting say to Dr. Varughese that  
12 she should stop making complaints about  
13 members of the residency program drinking  
14 on the premises?

15 A. I don't recall that, no.

16 Q. Did Dr. Varughese say to  
17 Dr. Cordon-Cardo that that's a very  
18 important issue, to which Dr. Cordon-Cardo  
19 then withdrew his instruction to her that  
20 she should stop complaining about it?

21 A. I don't recall the question. So  
22 there is no way I would recall the  
23 follow-up answer.

24 Q. Had you at all been aware of the  
25 fact that there were meetings called



1 PATRICK LENTO, M.D.

2 dementia rounds where residents were  
3 meeting on hospital premises to drink  
4 alcohol?

5 A. No, sir.

6 Q. Do you know whether or not any  
7 resident had taken a break from grossing  
8 in order to ingest alcohol?

9 A. I was not aware of that.

10 Q. Were you aware of the fact that  
11 earlier in May there was a directive sent  
12 out by Dr. Jordan that, in fact it was on  
13 May 4th, that alcohol was no longer  
14 allowed on hospital grounds?

15 A. I don't recall that.

16 Q. Were you involved in that  
17 decision to have alcohol removed from the  
18 hospital premises? Drinking alcohol that  
19 is. Not rubbing alcohol.

20 A. I understand. Removed. I don't  
21 recall being involved in the decision to  
22 remove alcohol.

23 Q. Let me rephrase. In terms of  
24 residents drinking on the premises, were  
25 you at all involved in the decision in

1 PATRICK LENTO, M.D.

2 order to have residents stop drinking on  
3 the premises?

4 A. I became aware of the  
5 allegation. And I let the chief residents  
6 know that, of course, that could not  
7 happen.

8 Q. How did you become aware of the  
9 allegation with regard to the residents  
10 drinking on the premises?

11 A. Somebody informed me.

12 Q. Let me show you what has been  
13 marked as Defendant's Exhibit 26. Do you  
14 remember this document to be the second  
15 reflection that Dr. Varughese had  
16 submitted?

17 A. It does appear to be so.

18 Q. In this amendment to her initial  
19 reflection, Dr. Varughese raises the issue  
20 that she was being treated differently  
21 based on her gender. Does she not?

22 A. Can you tell me which line that  
23 is?

24 (Witness reviews document.)

25 Q. I'll withdraw that question.

1 PATRICK LENTO, M.D.

2 Let me ask you a different question.

3 During the period of time of May  
4 2011, was Samuel McCash working at the  
5 same time at the VA as Dr. Varughese?

6 A. I don't know.

7 Q. Do you know whether there was  
8 any effort to ensure that the two of them  
9 would not be working together?

10 A. I don't know if this is the  
11 particular month. But I did speak to Sam  
12 during a rotation when he was going to be  
13 in the same hospital as Dr. Varughese,  
14 yes.

15 Q. Now, in the third paragraph, it  
16 states here "After the issuance of  
17 academic advisement, I also chose to take  
18 a stand to defend myself by filing an  
19 official complaint."

20 Did you know what Dr. Varughese  
21 was referring to there by way of the  
22 official complaint?

23 A. I assume that was referring to  
24 her complaint to human resources.

25 Q. Did you have any concerns about

1 PATRICK LENTO, M.D.

2 her in the remainder of that paragraph  
3 raising the issue of residents drinking  
4 alcohol, specifically Dr. Jordan and  
5 Dr. McCash?

6 A. Well, my concern was that this  
7 was irrelevant to the reflection essay, as  
8 outlined in the academic advisement and  
9 based on our discussions. This was  
10 irrelevant to what was expected of the  
11 reflection essay.

12 Was I concerned about this  
13 specific thing? Of course.

14 Q. How about in the next paragraph  
15 where Dr. Varughese says that she  
16 perceived this as being discrimination,  
17 the fact of what Dr. McCash had done? Had  
18 done meaning verbal punishment and  
19 harassment by Dr. McCash of her.

20 A. I didn't personally believe that  
21 to be the case. But that would be up to  
22 HR to determine, based on their  
23 investigation.

24 Q. Had you communicated with HR  
25 after reading this second reflection to

1 PATRICK LENTO, M.D.

2 advise HR that Dr. Varughese raised the  
3 issue of discrimination in her second  
4 self-reflection?

5 A. I don't recall doing that.

6 Q. How about with regard to her  
7 allegation later in that paragraph that  
8 she wished for all retaliatory actions  
9 against her to come to an end?

10 A. I don't recall communicating  
11 that to human resources.

12 Q. Did you believe at the conclusion  
13 of that second meeting on May 24th that  
14 Dr. Varughese needed to be terminated as  
15 of May 24th?

16 A. That was a distinct possibility.  
17 She could have been, I think.

18 Q. Did you discuss that with anyone?

19 A. No, not at that time. No.

20 Q. Was that a feeling that you held  
21 on May 24th or is that a feeling you hold  
22 looking back in retrospect?

23 A. No. In fact, from the May 24th  
24 meeting onward, in fact, Dr. Cordon-Cardo  
25 had specifically asked me to, in a sense,

1 PATRICK LENTO, M.D.

2 remove myself from the situation with  
3 Dr. Varughese, so that he could, as he had  
4 stated previously, try to work with her on  
5 improving and subsequently assigned her to  
6 Dr. Firpo.

7 Q. But was anybody working with  
8 Dr. Varughese in the time period between  
9 May 24th and when Dr. Firpo eventually  
10 started working with her in August 2011?

11 A. In what way?

12 Q. Was anybody communicating with  
13 her during that time period?

14 A. That I can't answer. I don't  
15 know the answer.

16 Q. Did Dr. Cordon-Cardo and you  
17 discuss you removing yourself?

18 A. He asked me.

19 Q. Did he feel that you were too  
20 close to the situation?

21 A. It was not my impression that  
22 that is what he felt, no.

23 Q. Had you expressed any anger  
24 about Dr. Varughese to Dr. Cordon-Cardo  
25 where he felt that you shouldn't have

1 PATRICK LENTO, M.D.

2 interaction with her?

3 A. Not at all. I think it was his  
4 putting out a hand to Dr. Varughese in an  
5 attempt to allow her to continue in the  
6 residency program.

7 Q. In terms of putting a hand out  
8 to Dr. Varughese, did you have any  
9 understanding as to why Dr. Cordon-Cardo  
10 felt it was necessary for you as the  
11 program director to in essence step aside  
12 from the situation?

13 A. That would be something  
14 Dr. Cordon-Cardo would have to answer.

15 Q. On May 24th, did you have any  
16 communications with Elizabeth Morency?

17 A. Not that I recall.

18 Q. Did you have any communications  
19 after May 24th or on May 24th forward --  
20 let me try that again.

21 Did you have any communications  
22 with anyone on May 24th forward,  
23 instructing them to keep you or the  
24 department advised about any missteps that  
25 Dr. Varughese had moving forward?

1 PATRICK LENTO, M.D.

2 A. I don't recall.

3 Q. Do you know whether it be you or  
4 anybody else in the department put out in  
5 essence that request that the staff of the  
6 department keep an eye out for issues with  
7 Dr. Varughese?

8 A. I don't recall.

9 Q. Did you have that type of  
10 communication with Elizabeth Morency?

11 MR. McEVOY: Asked and answered.  
12 You can answer one more time.

13 A. I don't recall.

14 Q. Did you have that type of a  
15 communication with Dr. Najfeld?

16 A. No, sir.

17 Q. Let me show you what was marked  
18 as Cardo 14. I'll give you a moment to  
19 review that.

20 (Witness reviews document.)

21 Q. Do you recall receiving the  
22 email that is marked as Cardo Exhibit 14?

23 A. My name is on the email.

24 Q. Does that mean that you don't  
25 have any recollection sitting here today?



1 PATRICK LENTO, M.D.

2 A. I don't recall receiving this  
3 email.

4 Q. Okay. Do you recall conducting  
5 any form of investigation with regard to  
6 it?

7 A. Yes.

8 Q. What did you do to investigate  
9 it?

10 A. So this appears to be the same  
11 day of the meeting with Dr. Cordon-Cardo.  
12 Leena was on a service. The GYN service,  
13 the gynecology pathology service. And she  
14 basically left without completing her  
15 duties for that particular day.

16 Q. But was it your understanding  
17 that Dr. Morency was referring to an  
18 incident that had occurred on May 24th or  
19 on some prior date?

20 A. I don't recall. I would be  
21 speculating, I think.

22 Q. So Dr. Morency writes about  
23 ongoing problems with Dr. Varughese and  
24 then makes reference to her having gotten  
25 into arguments with both Bassel and Roma

1 PATRICK LENTO, M.D.

2 about helping her grow specimens. Did you  
3 ever determine any specific dates that  
4 were being referenced here by Dr. Morency?

5 A. No, sir.

6 Q. Was it merely coincidental that  
7 on the evening of the meeting on May 24  
8 that Dr. Morency would suddenly bring this  
9 ongoing problem to the forefront?

10 MR. McEVROY: Objection to the  
11 form. You can answer.

12 A. I think you would have to ask  
13 Dr. Morency that question.

14 Q. Do you know whether anyone who  
15 was at the May 24th meeting, of course  
16 excluding the plaintiff, had solicited  
17 this account from Dr. Morency?

18 A. Not that I recall, no.

19 MR. McEVROY: When you get a  
20 chance, can we take a break?

21 MR. WRONKO: Let's take it now.

22 (Plaintiff's Exhibits 4 and 5  
23 marked for identification.)

24 (Recess: 4:05 to 4:13 p.m.)

25 BY MR. WRONKO:

1 PATRICK LENTO, M.D.

2 Q. Prior to May 24th, had Caryn  
3 Tiger-Paillex been involved in any  
4 decisions as to handle Dr. Varughese?

5 A. I don't recall.

6 Q. Did there come a point when  
7 Caryn Tiger-Paillex became involved in  
8 terms of investigating any issue involving  
9 Dr. Varughese? Let me rephrase that.

10 Did there come a point when  
11 Caryn Tiger-Paillex became involved in  
12 investigating any work performance issues  
13 alleged by the department?

14 A. I don't know.

15 Q. Let me show you what has been  
16 marked as Lento Exhibit 4. I'll give you  
17 a moment to review that.

18 (Witness reviews document.)

19 Q. Do you recall sending this  
20 email, dated June 2nd, 2011?

21 A. I don't.

22 Q. Do you know, sitting here today,  
23 why you had included Caryn Tiger-Paillex  
24 on this email?

25 A. I do not recall.

1 PATRICK LENTO, M.D.

2 Q. Is it true that prior to June 2,  
3 2011, Caryn Tiger-Paillex's only  
4 involvement was to investigate allegations  
5 that Dr. Varughese had made?

6 A. Can you repeat that, please.

7 (The question was read.)

8 A. I believe that may be true, yes.

9 Q. Did you believe that her role  
10 was now changing as of June 2, 2011, to  
11 now investigate performance issues with  
12 Dr. Varughese?

13 A. I don't recall the email. So I  
14 don't recall the circumstances that it  
15 relates to.

16 Q. Were there any meetings with  
17 Caryn Tiger-Paillex between May 24th and  
18 June 2, 2011, between you and Caryn  
19 Tiger-Paillex?

20 A. Not that I'm aware of or recall.

21 Q. Were you referring Dr. Varughese  
22 to human resources because of this issue  
23 involving the PA, chief resident and the  
24 members of the GYN staff?

25 A. Well, obviously she was included

1 PATRICK LENTO, M.D.

2 on the email.

3 Q. But sitting here today, you  
4 don't know why?

5 A. I don't recall, no.

6 Q. What other involvement besides  
7 this email chain did you have, if any, in  
8 terms of investigating this incident?

9 A. When you refer to this incident?

10 Q. The Morency complaint.

11 A. I did speak with Dr. Kalir, who  
12 was the chief of the GYN service.

13 Q. What did Dr. Kalir tell you?

14 A. From what I recall, and I don't  
15 remember when this meeting, discussion  
16 took place, Dr. Kalir indicated that there  
17 were some issues with Dr. Varughese on the  
18 service.

19 Q. What were the issues that  
20 Dr. Kalir identified?

21 A. I believe there were grossing  
22 issues.

23 Q. Was she any more specific about  
24 what those issues were?

25 A. Well, for one, as we discussed

1 PATRICK LENTO, M.D.

2 previously, Dr. Varughese just left the  
3 service. Dr. Kalir had to find someone  
4 else to complete Dr. Varughese's duties.  
5 And from what I recall, there were other  
6 issues regarding the turnaround time of  
7 the evaluation of specimens.

8 Q. Do you know whether or not those  
9 problems were unique to Dr. Varughese or  
10 whether or not that was a common problem  
11 on that service?

12 A. The discussion did not entail  
13 other residents.

14 Q. But I'm not asking whether the  
15 discussion entailed other residents. I'm  
16 asking as to your knowledge as to whether  
17 other residents who had grossing  
18 responsibilities had done similar things.

19 A. I'm not aware of a resident who  
20 left during the day and had others  
21 complete their responsibilities while on  
22 the GYN service.

23 Q. Let me show you what has been  
24 marked as Lento Exhibit 5. I'll give you  
25 a moment to review this.

1 PATRICK LENTO, M.D.

2 (Witness reviews document.)

3 Q. Do you recognize this chart?

4 A. No.

5 Q. On this chart, there is an  
6 indication that on the 16th of this  
7 particular month involving period ten  
8 moonlighting that there were several small  
9 and large specimens left. And it says "No  
10 Bassel." Do you know whether or not  
11 Adrienne Jordan had ever left several  
12 small and large specimens incomplete?

13 A. No.

14 Q. How about looking at this chart  
15 at the bottom row. It has the number 7.  
16 It says "Adrienne Jordan three hours." I  
17 would assume that means three hours of  
18 moonlighting. It says "Specimens left  
19 several large." Do you know whether or  
20 not Dr. Jordan had left several specimens  
21 incomplete?

22 A. I'm not aware of that fact. I'm  
23 also not aware that this refers specifically  
24 to Dr. Jordan.

25 Q. Let me show you what was

1 PATRICK LENTO, M.D.

2 previously marked as Cardo Exhibit 22.

3 I'll give you a moment to review that.

4 (Witness reviews document.)

5 Q. Did anyone ever advise you,  
6 whether it be Dr. Grunes or anyone else,  
7 that people were at each other's throats  
8 in the gross room?

9 A. I don't recall being advised of  
10 that.

11 Q. Did you have any knowledge to  
12 believe that there were in fact arguments  
13 or confrontations in the gross room?

14 A. No, sir.

15 Q. How about bickering in the gross  
16 room? Were you ever advised of that?

17 A. I don't recall being advised of  
18 bickering.

19 Q. With regard to this complaint by  
20 Dr. Morency, what was the outcome of that  
21 complaint? Did it result in any discipline  
22 for Dr. Varughese?

23 A. No. I actually asked Dr. Kalir  
24 to document what she was telling me  
25 verbally. But she did not. There was no



1 PATRICK LENTO, M.D.

2 disciplinary action. However, at that  
3 particular time, again, Dr. Cordon-Cardo  
4 had asked me to step away from the  
5 situation with Dr. Varughese.

6 Q. If that's, in fact, the case,  
7 why did you involve yourself in terms of  
8 reporting the incident as well as  
9 partaking in the investigation?

10 A. I was still the program  
11 director. And the emails that you are  
12 referring to was on the day of the meeting  
13 with Dr. Varughese.

14 Q. Was it at a later point that you  
15 were no longer involved with Dr. Varughese?

16 A. That was a conversation that I  
17 had with Dr. Kalir. And that was basically  
18 it.

19 Q. What do you mean that was  
20 basically it? That was the end of your  
21 involvement with Dr. Varughese?

22 A. Direct involvement with  
23 Dr. Varughese, yes.

24 Q. Okay. Who is Jaclyn Hechtman?

25 A. She was a resident.

1 PATRICK LENTO, M.D.

2 Q. Did you have any involvement in  
3 terms of a discipline-related issue with  
4 her in July 2011?

5 A. Dr. Hechtman was not disciplined.

6 Q. Was there any allegation that  
7 she was refusing to wear protective gear,  
8 as required by department policy, in the  
9 gross room?

10 A. That may have been true.

11 Q. Was there any allegation about  
12 Jaclyn Hechtman that she felt that  
13 covering senior autopsy during the week or  
14 grossing placentas was not part of her  
15 job?

16 A. That may have also been true.

17 Q. Did she also have an attitude  
18 that it was beneath her to track down  
19 missing slides?

20 A. That I don't know.

21 Q. Were allegations made that she  
22 was making frequent comments, such as "I'm  
23 just not doing that"?

24 A. I don't recall that.

25 Q. Do you know whether or not

1 PATRICK LENTO, M.D.

2 Dr. Jordan wanted to give her a notice of  
3 improvement?

4 A. I believe that she did want to  
5 do that.

6 Q. I show you what has been marked  
7 as Cardo Exhibit 7. Did you receive or  
8 ever see these emails?

9 A. My name is on the top of one of  
10 them.

11 Q. Sitting here today, do you  
12 recall having received this email chain as  
13 being forwarded by Mary Beasley?

14 A. I must have received it, yes.

15 Q. Was the notice of improvement  
16 attached ever issued to Jaclyn Hechtman?

17 A. I do not believe so.

18 Q. Why not?

19 A. Because I believe that  
20 Dr. Hechtman had not been spoken to as an  
21 initial educational way of handling the  
22 situation.

23 Q. Okay. And with regard to this  
24 particular notice, do you know why  
25 Dr. Jordan circulated it to her to give

1 PATRICK LENTO, M.D.

2 Dr. Hechtman an opportunity to revise it?

3 A. I would have no idea why. You  
4 would have to ask Dr. Jordan.

5 Q. I'd like to show you what has  
6 been marked as Cardo 21.

7 (Witness reviews document.)

8 Q. Do you recall receiving this  
9 email from Dr. Beasley?

10 A. I do not recall this email.

11 Q. Dr. Beasley, who is she?

12 A. Dr. Beasley is an attending in  
13 the department.

14 Q. In this email, Dr. Beasley  
15 states that Adrienne Jordan felt that  
16 Jaclyn Hechtman had already been given a  
17 verbal warning. Had you had any  
18 communications with Dr. Jordan about her  
19 feelings that a verbal warning had already  
20 been given to Jaclyn Hechtman?

21 A. No, I don't recall speaking with  
22 her.

23 Q. And that it was Jaclyn Hechtman's  
24 position that a verbal warning had not  
25 been given. Since the allegations were

1 PATRICK LENTO, M.D.

2 being made by Jaclyn Hechtman, why was  
3 deference being given to Jaclyn Hechtman's  
4 version over Adrienne Jordan?

5 MR. McEVOY: Objection to the  
6 form of the question. You can answer.

7 A. I think this was a mediation by  
8 the attending to handle the situation in a  
9 verbal manner, much like we had discussed  
10 in other incidents.

11 Q. Why was mediation appropriate in  
12 this instance?

13 A. As I mentioned earlier, the  
14 initial response to an infraction might be  
15 a verbal communication to the resident in  
16 an effort to educate the resident.

17 Q. But this went beyond just  
18 communicating with Jaclyn Hechtman, to the  
19 point of being mediated by the attending.  
20 Was why was the mediation with the attending  
21 appropriate?

22 A. I don't know. I don't know.

23 Q. At the end of this email,  
24 Dr. Beasley writes "Thanks again for your  
25 input. At least I haven't had to bail

1 PATRICK LENTO, M.D.

2 another resident out of jail. Still  
3 haven't told you that story, have I? Did  
4 you notice what the lottery prize money is  
5 up to by chance?"

6 Did she ever tell you that story  
7 about what happened with the resident who  
8 she had to bail out of jail?

9 A. Not that I recall.

10 Q. Do you know that there was a  
11 resident who had to be bailed out of jail?

12 A. Not that I'm aware of.

13 Q. Okay. Did there come a point  
14 when Dr. Varughese retained legal counsel,  
15 to your knowledge?

16 A. Yes.

17 Q. When did she retain legal counsel,  
18 to your best recollection?

19 A. I don't know.

20 Q. Were you ever made aware that  
21 her legal counsel had written a letter  
22 alleging that there were violations of  
23 Title VII of the Civil Rights Act that  
24 were being committed?

25 A. I may have been.

1 PATRICK LENTO, M.D.

2 Q. Did Caryn Tiger-Paillex advise  
3 you of that?

4 A. I do not know.

5 Q. Did you ever receive a copy of  
6 the letter from Dr. Varughese's counsel?

7 A. That I don't recall.

8 Q. Let me show you what has been  
9 marked as Cardo 15.

10 (Witness reviews document.)

11 Q. Did you ever see what has been  
12 marked as Cardo Exhibit 15?

13 A. I believe I did, yes.

14 Q. When was the first time that you  
15 saw this document?

16 A. I believe it was in the fall of  
17 2011.

18 Q. Had you been made aware of the  
19 existence of this letter prior to the fall  
20 of 2011?

21 A. I do not believe so, no.

22 Q. Were you advised that  
23 Dr. Varughese had counsel prior to the  
24 fall of 2011?

25 A. I don't recall that she had

1 PATRICK LENTO, M.D.

2 counsel.

3 Q. Was there any correlation  
4 between the involvement of Caryn  
5 Tiger-Paillex in this situation and  
6 Dr. Varughese's retention of counsel in or  
7 around June of 2011?

8 A. I have no idea.

9 Q. But as of June 10, 2011, is it  
10 your testimony that you had removed  
11 yourself in terms of dealing with  
12 Dr. Varughese?

13 A. Yes.

14 Q. What are duty hour requirements  
15 for residents?

16 A. That refers to resident tracking  
17 of hours, hours worked.

18 Q. How would residents have to  
19 track their hours worked?

20 A. Using a software system, a  
21 computerized software system.

22 Q. What was the requirement in  
23 terms of frequency of entering hours?

24 A. They needed to be in within the  
25 time frame of a particular audit. That



1 PATRICK LENTO, M.D.

2 was the requirement.

3 Q. Do you know whether or not  
4 Dr. Varughese at the end of June 2011 had  
5 entered all of her duty hours?

6 A. I'm not sure.

7 Q. Were there any disciplinary  
8 steps that would be associated with a  
9 failure to enter duty hours in June 2011?

10 A. No, I don't believe it was  
11 disciplinary.

12 Q. Let me show you what was marked  
13 as Cardo Exhibit 16. I'll give you a  
14 moment to review that.

15 (Witness reviews document.)

16 Q. All set?

17 A. Yes.

18 Q. Do you recall this email chain  
19 marked as Cardo 16?

20 A. I do not.

21 Q. Okay. Do you know why  
22 Dr. Cordon-Cardo -- strike that.

23 Turning to the second page,  
24 Dr. Cordon-Cardo responds to Allene  
25 Carter's email about Dr. Varughese not

1 PATRICK LENTO, M.D.

2 having entered her duty hours by saying  
3 "Dear Sheema, I have discussed possible  
4 termination with HR. I believe it's time  
5 to make decisions. Can you share this  
6 message with HR. Let's discuss tomorrow.  
7 Thank you. Carlos."

8 First of all, who is Sheema  
9 Patel?

10 A. Sheema was the new department  
11 administrator.

12 Q. Did you know what her job  
13 responsibilities were as the department  
14 administrator?

15 A. I assume they were the same as  
16 every other department administrator.

17 Q. Did she have job responsibilities  
18 over discipline of residents?

19 A. I can't answer that.

20 Q. Were you part of any discussions  
21 about a possible termination with HR of  
22 Dr. Varughese?

23 A. No. At this point, I was not  
24 involved in discussions. This was  
25 Dr. Cordon-Cardo.

1 PATRICK LENTO, M.D.

2 Q. Okay. But then later on, on the  
3 first page, you write to Caryn Tiger-Paillex  
4 "I have a few saved general emails about  
5 duty hours to the residents from Allene in  
6 the past two or three months as well as a  
7 specific one to her in June," her being  
8 Dr. Varughese.

9 If you had removed yourself from  
10 the situation, why were you participating  
11 in this inquiry about duty hours?

12 A. This is obviously a response to  
13 an inquiry from Ms. Tiger-Paillex.

14 Q. Were you attempting to support  
15 your department chair in order to provide  
16 additional evidence so that Dr. Varughese  
17 could be terminated because of this?

18 A. I was providing information  
19 responding to the inquiry by human  
20 resources.

21 Q. Did you believe that this  
22 particular offense, not entering duty  
23 hours, was a proper basis to further  
24 discipline Dr. Varughese up to and perhaps  
25 including termination?

1 PATRICK LENTO, M.D.

2 A. As an isolated situation? No.

3 Q. Do you know whether or not this  
4 problem was common to many other residents  
5 in terms of getting their duty hours in?

6 A. I believe that there were, based  
7 on my email, saying that sometimes they  
8 require prodding, yes.

9 Q. If you would refer to Cardo  
10 Exhibit 17, the email from Allene Carter  
11 on June 21, 2011, in fact went to a large  
12 number of residents, did it not, following  
13 up on their obligation to enter all of  
14 their duty hours?

15 MR. McEVOY: Objection to the  
16 form. You can answer.

17 A. Yes.

18 Q. So do you think that Dr. Cordon-  
19 Cardo was jumping the gun by trying to  
20 take advantage of this particular issue  
21 with regard to Dr. Varughese in order to  
22 have her terminated?

23 MR. McEVOY: Objection to the  
24 form of the question. Rephrase it or I  
25 won't let him answer.

1 PATRICK LENTO, M.D.

2 MR. WRONKO: There is nothing  
3 wrong with the question.

4 MR. McEVOY: Read the question  
5 back, please.

6 MR. WRONKO: I'll rephrase.

7 Q. Do you believe that Dr. Cordon-  
8 Cardo appropriately viewed this as --  
9 strike that.

10 Do you think that Dr. Cordon-  
11 Cardo was acting too quickly in terms of  
12 suggesting that this was an offense for  
13 which Dr. Varughese should be terminated?

14 MR. McEVOY: Objection to the  
15 form. You can answer.

16 A. I think that requires me to  
17 speculate about what he was thinking. And  
18 I can't do that.

19 Q. Well, when you were supplying  
20 information, did you have an understanding  
21 from his earlier email, where he had  
22 stated that he had discussed termination  
23 and now was the time to make decisions,  
24 that termination was certainly an option  
25 at that point?

1 PATRICK LENTO, M.D.

2 A. It certainly may have been.  
3 That was his decision.

4 Q. So as the program director, did  
5 you think that that would have been an  
6 appropriate decision, to terminate  
7 Dr. Varughese for not entering duty hours?

8 MR. McEVOY: Objection. Asked  
9 and answered. You can answer it one more  
10 time.

11 A. As an isolated offense, entering  
12 duty hours I don't believe is an offense  
13 to be terminated.

14 Q. What about let's take it out of  
15 isolation. At that particular moment  
16 where Dr. Varughese stood with the  
17 department, was it an offense that  
18 warranted termination, put into the  
19 context with Dr. Varughese?

20 MR. McEVOY: Are you asking  
21 Dr. Lento whether he thought it was  
22 appropriate or whether Dr. Cordon-Cardo  
23 thought it was appropriate?

24 MR. WRONKO: Dr. Lento.

25 MR. McEVOY: Fine.

1 PATRICK LENTO, M.D.

2 A. I'm not sure that entering duty  
3 hours is a terminatable offense.

4 Q. Did you have any involvement  
5 with preparing Dr. Varughese's final  
6 written warning that was issued in July?

7 A. That was not prepared by me.

8 Q. Is that because you had removed  
9 yourself from your dealings with  
10 Dr. Varughese?

11 A. I was asked by Dr. Cordon-Cardo.  
12 Yes.

13 MR. WRONKO: Let's mark this.

14 (Plaintiff's Lento Exhibit 6  
15 marked for identification.)

16 Q. Dr. Lento, I'll give you a  
17 moment to review that.

18 (Witness reviews document.)

19 Q. Do you recall this email that  
20 you had sent to Paul Johnson, Carlos  
21 Cordon-Cardo, Adolfo Firpo, with copies to  
22 Marina Lowy, Caryn Tiger-Paillex and Scott  
23 Barnett?

24 A. I do not recall this specific  
25 exchange.

1 PATRICK LENTO, M.D.

2 Q. Does this email refresh your  
3 recollection as to any involvement you had  
4 with the preparation of the final written  
5 warning that was issued to Dr. Varughese?

6 A. Yes. I provided some suggestions.

7 Q. And that's indicated in your  
8 email by track changes?

9 A. It appears so, yes.

10 Q. Did you prepare a redlined  
11 version of the written warning?

12 A. Track changes.

13 MR. WRONKO: Let's mark this.

14 (Plaintiff's Lento Exhibit 7  
15 marked for identification.)

16 Q. I'm showing you Lento 7. These  
17 are various drafts of the final written  
18 warning letter contained within this  
19 exhibit. My question to you as you review  
20 the exhibit is did you have involvement  
21 with any of these various drafts?

22 (Witness reviews document.)

23 A. I can't tell by looking at them.

24 Q. Is it true the initial draft,  
25 which appears on the first two pages, was



1 PATRICK LENTO, M.D.

2 written for your signature?

3 A. It appears to be true.

4 Q. Did you write this initial draft  
5 contained on page 1 and 2 of the exhibit?

6 A. I did not.

7 Q. Do you know why it was written  
8 for your signature?

9 A. I do not.

10 Q. Did you ever write an email to  
11 Dr. Cordon-Cardo forwarding the written  
12 warning for his signature because he had  
13 directed to you that he wanted to do it  
14 from an administrative standpoint?

15 A. Dr. Cordon-Cardo had indicated  
16 that he wanted to deal with Dr. Varughese  
17 and that I was not to be involved  
18 directly.

19 Q. Was the reason why you weren't  
20 to be involved directly an effort to make  
21 it appear that you had nothing to do with  
22 this and instead it was the new guy on the  
23 block who was doing this?

24 MR. McEVROY: Objection to the  
25 form. You can answer.

1 PATRICK LENTO, M.D.

2 A. That would be speculative based  
3 on Dr. Cordon-Cardo. And I don't believe  
4 that that was the case.

5 Q. Why is it that you would be  
6 involved in the drafting of the final  
7 written warning if you had removed  
8 yourself from your involvement with  
9 Dr. Varughese?

10 A. Obviously I was asked for my  
11 suggestions.

12 Q. Did you have any involvement  
13 with regard to giving the final written  
14 warning to Dr. Varughese?

15 A. No, sir.

16 Q. Let me show you what was marked  
17 as Cardo Exhibit 18.

18 (Witness reviews document.)

19 Q. Do you recall this email, sir?

20 A. Only because I'm reading it.

21 Q. Okay. Was there an issue with  
22 regard to the timing of when the final  
23 written warning was going to be issued to  
24 Dr. Varughese?

25 A. I'm not sure.

1 PATRICK LENTO, M.D.

2 Q. In the email that you had  
3 written to Carlos Cordon-Cardo, you  
4 indicated "Leena is scheduled to go on  
5 vacation for two weeks beginning next  
6 Monday, so we appear to have no choice but  
7 to get it done this week. She is  
8 currently at the VA and would have to come  
9 here one morning before heading to the VA  
10 or would have to come back to Sinai after  
11 completing her duties at the VA (since she  
12 could probably get here by 6 p.m.). I  
13 have attached the letter draft which you  
14 may edit as you like since you indicated  
15 you wanted to do this from an  
16 administrative standpoint."

17 Why was there a push to get the  
18 final written warning to Dr. Varughese  
19 before she went on vacation?

20 A. I think Dr. Cordon-Cardo would  
21 have to answer that. I don't recall.

22 Q. Do you know whether or not the  
23 attachment to this particular email, which  
24 was a draft according to what you had  
25 written, was any different from the

1 PATRICK LENTO, M.D.

2 redline changes that you had previously  
3 circulated?

4 A. I don't know.

5 Q. How long did you work on the  
6 draft?

7 A. I have no idea.

8 Q. How many different versions of  
9 the draft did you yourself circulate?

10 A. I was asked to provide  
11 suggestions. I don't recall circulating  
12 the draft per se.

13 Q. Even with regard to Cardo 18  
14 where you say "I have attached the letter  
15 draft"? This doesn't refresh your  
16 recollection to having done that?

17 A. Obviously I sent it to  
18 Dr. Cordon-Cardo based upon a request from  
19 him.

20 Q. Okay. But sitting here today,  
21 I'm just asking whether you have any  
22 specific recollection of that.

23 A. No, I don't.

24 Q. Okay. Were you involved in the  
25 meeting when Dr. Varughese was given the

1 PATRICK LENTO, M.D.

2 written warning?

3 MR. McEVOY: The final warning?

4 MR. WRONKO: The final written  
5 warning. Thank you.

6 A. No, sir.

7 Q. Did anyone advise you what  
8 occurred at the final written warning  
9 meeting?

10 A. I don't recall being advised.

11 Q. Let me show you what has been  
12 marked as Defendant's Exhibit 27.

13 (Witness reviews document.)

14 Q. You have had a moment to review  
15 what has been previously marked Defendant's  
16 Exhibit 27?

17 A. Yes.

18 Q. Are you able to, in reviewing  
19 this document, identify what information  
20 you supplied for this document?

21 A. No, sir.

22 Q. Do you know whether or not you  
23 had drafted the paragraph on page 2 that  
24 begins "Dr. Carlos Cordon-Cardo, who was  
25 appointed department chair" and it goes on

1 PATRICK LENTO, M.D.

2 and on? Did you write that paragraph?

3 A. I don't believe so.

4 Q. Wouldn't you agree with me that  
5 it's a little unusual that since  
6 Dr. Cordon-Cardo had actually signed this  
7 that he is referring to himself in the  
8 third person in this letter?

9 A. Perhaps.

10 Q. Okay.

11 MR. WRONKO: Let's mark this.

12 (Plaintiff's Exhibit 8 marked  
13 for identification.)

14 Q. I'm showing you what is Lento 8  
15 which is a policy for resident misconduct  
16 updated on July 6, 2011. I'll give you a  
17 moment to review that. Tell me when you  
18 are ready.

19 (Witness reviews document.)

20 Q. Have you ever seen this document  
21 before?

22 A. I don't recall seeing it before.

23 Q. Were you involved in the  
24 updating of this policy for resident  
25 misconduct?

1 PATRICK LENTO, M.D.

2 A. I don't recall.

3 Q. Do you know where the final  
4 written warning for Dr. Varughese fell in  
5 terms of this policy for resident  
6 misconduct? I see that there were  
7 multiple warning steps. Do you have any  
8 idea as to where it would fall on this  
9 step or which step it would fall on?

10 A. I'm not sure that they are  
11 related.

12 Q. Why would discipline of  
13 Dr. Varughese be unrelated to the policy  
14 of resident misconduct that was updated on  
15 July 6, 2011?

16 A. I don't recall the policy  
17 myself. And I don't know who issued this.

18 Q. Was it the case that this policy  
19 applied to all residents except for the  
20 plaintiff?

21 A. I don't believe that to be the  
22 case.

23 Q. But sitting here today, you are  
24 unable to identify where exactly the final  
25 written warning falls within this

1 PATRICK LENTO, M.D.

2 particular disciplinary policy. Is that  
3 fair to say?

4 A. I don't see where in this  
5 particular policy.

6 Q. Who made the decision to place  
7 Dr. Varughese on the final written  
8 warning?

9 A. I believe that was Dr. Cordon-  
10 Cardo and Dr. Firpo.

11 Q. Did you have any input in that  
12 decision?

13 A. That decision was made by  
14 Dr. Cordon-Cardo and Dr. Firpo.

15 Q. How was Dr. Firpo in a position  
16 to make a decision about the final written  
17 warning if he was just starting with the  
18 institution in or around that time?

19 A. You would have to ask  
20 Dr. Cordon-Cardo.

21 Q. How do you know that Dr. Firpo  
22 was involved in making that decision?

23 A. Dr. Firpo became the director of  
24 resident education upon his arrival. And  
25 after the request for me to step away from



1 PATRICK LENTO, M.D.

2 Dr. Varughese's situation, Dr. Cordon-  
3 Cardo assigned Dr. Firpo -- assigned  
4 Dr. Varughese to Dr. Firpo.

5 Q. Did you have any role to play in  
6 terms of bringing Dr. Firpo up to speed in  
7 terms of the department's history with  
8 Dr. Varughese?

9 A. I don't recall specifically  
10 doing that.

11 Q. Were you involved in the ultimate  
12 decision to terminate Dr. Varughese?

13 A. I did not make that decision.

14 Q. Who made that decision?

15 A. Dr. Cordon-Cardo.

16 Q. Did he make that decision all by  
17 himself?

18 A. You would have to ask Dr. Cordon-  
19 Cardo.

20 Q. Let me show you what was  
21 previously marked as Cardo Exhibit 19.  
22 I'll give you a moment to review that.  
23 I'd like to bring your attention, feel  
24 free to review the email chain, but I'd  
25 like to bring your attention to the email

1 PATRICK LENTO, M.D.

2 on the second page sent by Scott Barnett  
3 on August 4, 2011, wherein he writes  
4 "Stick with the plan. That should be able  
5 to help with whether she will meet the  
6 requirements. Scott."

7 I'm going to ask you about that  
8 email in particular. But take your time  
9 to review the document.

10 (Witness reviews document.)

11 Q. Were you party to any  
12 conversations where a plan was put  
13 together in terms of how to deal with  
14 Dr. Varughese moving forward after the  
15 final written warning?

16 A. I don't recall being included,  
17 no.

18 Q. So when Dr. Barnett makes  
19 reference to stick with the plan, you  
20 don't know what the plan was?

21 A. I don't.

22 Q. At the first page of this email,  
23 there is reference to you pulling or  
24 having Allene Carter pull Dr. Varughese's  
25 file so you could have a meeting with

1 PATRICK LENTO, M.D.

2 Dr. Firpo?

3 A. Yes.

4 Q. Do you recall having a meeting  
5 with Dr. Firpo to review Dr. Varughese's  
6 file?

7 A. I don't remember, no.

8 Q. Do you know whether there were  
9 any issues with regard to the number of  
10 autopsies Dr. Varughese had completed by  
11 that point being a new PGY-4?

12 A. She was concerned that she  
13 wouldn't fulfill the requirement.

14 Q. Did you feel at that time that  
15 that was a legitimate concern?

16 A. Possible, yes.

17 Q. Why was it a legitimate concern?

18 A. I don't remember how many cases  
19 she had. Let me see if I actually said  
20 it.

21 (Witness reviews document.)

22 A. I don't see it listed here.

23 Q. Okay.

24 A. But obviously she had a concern.  
25 So we would be concerned as well.

1 PATRICK LENTO, M.D.

2 Q. Did you take any steps to address  
3 her concern?

4 A. Yes, I did.

5 Q. What steps did you take?

6 A. I believe I spoke with the  
7 medical examiner's office to see if they  
8 could help accommodate her. And they said  
9 yes.

10 Q. How were they going to accommodate  
11 her?

12 A. They were going to allow her to  
13 achieve the number of autopsies that were  
14 required to fulfill the requirement.

15 Q. Had she expressed any concerns  
16 that autopsies that she had worked on she  
17 had not received any credit for?

18 A. I don't recall that, no.

19 Q. Do you know whether or not she  
20 received credit for all autopsies on which  
21 she worked?

22 A. I would assume so, yes.

23 Q. Now, did you have any knowledge  
24 or involvement with Dr. Varughese's  
25 rotation in tumor cytogenetics?

1 PATRICK LENTO, M.D.

2 A. I had no involvement in that  
3 rotation, no.

4 Q. Did you keep tabs as to how  
5 Dr. Varughese was performing with  
6 Dr. Najfeld in that rotation in August of  
7 2011?

8 A. I don't recall doing so, no.

9 Q. Did you hear anything from  
10 anyone about how she was performing in  
11 that particular rotation?

12 MR. McEVOY: During the rotation?  
13 After the rotation?

14 MR. WRONKO: During or after.

15 A. I believe yes. It was  
16 subsequent to an incident involving Leena  
17 on the cytogenetics rotation.

18 Q. Tell me what your knowledge is  
19 with regard to that.

20 A. The chief residents had asked  
21 Leena or tried to ask Leena to cover a  
22 sick call, I believe it was. Apparently  
23 they had tried to email or page her, and  
24 they were unable to reach her. So I was  
25 asked at some point to see if I could

1 PATRICK LENTO, M.D.

2 track her down.

3 Q. Did you track her down?

4 A. I did. I called the  
5 cytogenetics lab. I spoke with  
6 Dr. Najfeld. I asked if Dr. Varughese was  
7 there. She said, "Yes, she is right  
8 here." I said, "Can I speak with her?"

9 Q. Do you think that it was  
10 inappropriate of Dr. Varughese not to have  
11 gotten back to those people who were  
12 looking for her?

13 A. Yes, sure.

14 Q. Do you know that Dr. Najfeld had  
15 criticized Dr. Varughese for being on her  
16 handheld during the course of that  
17 rotation?

18 A. She may have.

19 Q. Do you know that Dr. Najfeld  
20 gave her an express instruction not to be  
21 on her electronics during that rotation?

22 A. I'm not aware.

23 Q. So if in fact Dr. Najfeld had  
24 given her that instruction, why then would  
25 she be criticized by giving Dr. Najfeld

1 PATRICK LENTO, M.D.

2 her undivided attention?

3 A. Because she was paged. So it  
4 wasn't an email. If she was getting a  
5 text on an email, perhaps one could argue  
6 that she was forbidden. But she was paged  
7 and she did not respond to her page or  
8 pages.

9 Q. A page by who?

10 A. By the chief residents, it was  
11 my understanding.

12 Q. But do you have personal knowledge  
13 that she was in fact paged?

14 A. No. You would have to ask the  
15 chief residents. But that's what they  
16 indicated to me when they tried to track  
17 her down.

18 Q. You had also indicated an email.  
19 Was it an email? Was it a page? Was it  
20 both?

21 A. It was both, yes.

22 Q. With regard to a page, would a  
23 resident be expected to immediately  
24 respond to a page if she is in the middle  
25 of a rotation, especially with a

1 PATRICK LENTO, M.D.

2 Dr. Najfeld who seemed very concerned  
3 about having Dr. Varughese's undivided  
4 attention?

5 MR. McEVOY: Objection to the  
6 form. You can answer.

7 A. I wasn't there. So I don't know  
8 what Leena was doing -- Dr. Varughese, my  
9 apologies -- at the time. So yes,  
10 appropriate response to a page would be to  
11 answer it.

12 Q. Isn't this in fact a case of the  
13 department trying to have it both ways,  
14 where they are criticizing Dr. Varughese  
15 for not giving Dr. Najfeld undivided  
16 attention, but then expecting her to drop  
17 Dr. Najfeld immediately upon someone else  
18 calling?

19 MR. McEVOY: Objection to the  
20 form. You can answer.

21 A. I don't believe that's the case.  
22 If you were to receive a phone call and  
23 you needed to answer, you would say to  
24 whoever is in the room "Excuse me. I'd  
25 like to answer this" or "I need to answer



1 PATRICK LENTO, M.D.

2 this." I think that a similar approach  
3 could have been taken by Dr. Varughese  
4 under those circumstances.

5 Q. But at the risk that Dr. Najfeld  
6 would have criticized her for being on her  
7 handheld, right?

8 A. Not if she said to Dr. Najfeld  
9 "I need to answer this page."

10 Q. Who is Julie Chepovetsky? Was  
11 there ever a disciplinary issue with Julie  
12 Chepovetsky?

13 MR. McEVOY: Objection to the  
14 form. You can answer.

15 A. No.

16 Q. Did Julie Chepovetsky ever whine  
17 about having to present a case twice?

18 A. She may have.

19 Q. Did Dr. Beasley ever express to  
20 you that Julie Chepovetsky had fallen off  
21 the wagon?

22 A. I don't recall that.

23 Q. Did she ever express to you that  
24 Julie seemed overwhelmed?

25 A. Perhaps.

1 PATRICK LENTO, M.D.

2 Q. Did she ever express to you that  
3 Julie was missing diagnoses?

4 A. Perhaps.

5 Q. Did she ever express to you that  
6 Julie was having problems with differential  
7 diagnoses?

8 A. Perhaps.

9 Q. I want to show you what was  
10 marked as Cardo Exhibit 5. Does this  
11 refresh your recollection as to a  
12 situation with Julie Chepovetsky?

13 A. Yes.

14 Q. Do you know whether or not  
15 Dr. Beasley passed her on this rotation  
16 where she seemed overwhelmed and was  
17 whining about everything and missing  
18 diagnoses?

19 A. I do not know.

20 Q. Dr. Beasley also wrote "Plus her  
21 last presentation at chest conference was  
22 really subpar and she sounded like a  
23 valley girl."

24 Given the fact that she gave an  
25 obviously inadequate presentation, do you

1 PATRICK LENTO, M.D.

2 know whether any disciplinary action was  
3 taken against her?

4 A. There was not.

5 Q. Was she given a second chance at  
6 that presentation?

7 A. I have no idea.

8 Q. Here it says "Hopefully, she  
9 will do a better job this time since she  
10 has to do the case for CPC also."

11 A. You are referring to a different  
12 conference.

13 Q. Okay. Was she given more bites  
14 at the apple, so to speak, in terms of her  
15 presentations?

16 MR. McEVOY: Objection to the  
17 form. You can answer.

18 A. Not because she had had subpar  
19 performance prior. No, that was not the  
20 reason for this.

21 Q. Okay. But at the very beginning  
22 of the email, it says Julie is whining  
23 about having to present the case twice.

24 So do you know whether she  
25 presented a case twice?

1 PATRICK LENTO, M.D.

2 A. No, I don't know.

3 Q. Was any action taken as to Julie  
4 Chepovetsky after this email on May 26,  
5 2011?

6 A. No, sir.

7 Q. Now, were you made aware in June  
8 of 2011 that Julie Chepovetsky had 15  
9 cases from the middle to end of May 2011  
10 that had yet to be signed out?

11 A. I don't recall being aware, no.

12 Q. Let me show you what was marked  
13 as Cardo Exhibit 4.

14 (Witness reviews document.)

15 Q. Does this refresh your recollection  
16 to the fact that Julie Chepovetsky had 15  
17 cases from the middle to end of May that  
18 have yet to be signed out as of June 10,  
19 2011?

20 A. I see what it says, yes.

21 Q. Does it refresh your recollection?

22 A. No.

23 Q. Did you take any action against  
24 Julie Chepovetsky?

25 A. No. This is not an actionable

1 PATRICK LENTO, M.D.

2 offense.

3 Q. Subsequent to that in the next  
4 month, do you know whether Julie  
5 Chepovetsky had failed to respond to a  
6 page of Dr. Jordan?

7 A. I don't recall.

8 Q. Do you know whether or not  
9 Dr. Chepovetsky had failed to return a  
10 telephone call with Dr. Jordan?

11 A. I don't know.

12 Q. Do you know whether or not she  
13 had left a biopsy, a liver biopsy sitting  
14 in the frozen room?

15 A. I don't recall.

16 Q. Do you know whether or not she  
17 left chucks and other grossing tools  
18 soaking in water?

19 A. I don't recall.

20 Q. Do you know whether or not she  
21 left a cryostat blade sitting on top of a  
22 cryostat, raising a safety concern?

23 A. I don't recall.

24 Q. Let me show you what was marked  
25 as Cardo Exhibit 6. I'll give you a

1 PATRICK LENTO, M.D.

2 moment to review that.

3 (Witness reviews document.)

4 Q. Were you made aware of  
5 Dr. Jordan's concerns with regard to  
6 Dr. Chepovetsky?

7 A. I was cc'd on an email.

8 Q. Do you know whether or not  
9 Dr. Chepovetsky was, in fact, disciplined  
10 in any way as a result of this series of  
11 items identified by Dr. Jordan on July 12,  
12 2011?

13 A. No, I'm not aware.

14 Q. Did you ultimately prepare a  
15 summative evaluation for Julie Chepovetsky  
16 before you departed Mount Sinai Medical  
17 Center?

18 A. No, sir.

19 Q. Who would have prepared the  
20 summative evaluations for Julie Chepovetsky?

21 A. I believe that would have been  
22 Dr. Firpo.

23 Q. Were summative evaluations  
24 prepared for each year of a resident's  
25 residency or would it be just for their

1 PATRICK LENTO, M.D.

2 final, an overall summative evaluation?

3 A. It was the latter. So a  
4 summative evaluation was at the end of a  
5 residency.

6 Q. Do you know why Julie Chepovetsky  
7 wasn't put on academic advisement?

8 MR. McEVOY: Objection to the  
9 form.

10 A. Based on?

11 Q. Based on anything that occurred  
12 in Cardo 5, Cardo 4 or Cardo 6.

13 A. Well, let's see. Whining or  
14 complaining about something is not an  
15 offense.

16 Q. Let's focus on each one. Cardo  
17 Exhibit 5, we have a situation where she  
18 was performing badly, would you agree, on  
19 a rotation where she was missing diagnoses  
20 and had delivered a subpar presentation,  
21 right?

22 A. No. First of all, this is with  
23 an isolated attending and an isolated  
24 incident, where there appears to be a gap  
25 in Julie's knowledge. That's not a

1 PATRICK LENTO, M.D.

2 disciplinary situation. That's another  
3 educational opportunity. We all have gaps  
4 in our knowledge.

5 Q. So are you telling me that the  
6 inclusion of the issues that Dr. Varughese  
7 had with Dr. Najfeld are somehow -- in the  
8 letter of termination are in some way  
9 different than this situation with  
10 Dr. Beasley?

11 A. I'm not sure I understand the  
12 comparison.

13 Q. Well, let me take a step back.  
14 What is your understanding of why  
15 Dr. Varughese was terminated in part  
16 because of her performance on the  
17 cytogenetics rotation with Dr. Najfeld?

18 A. That decision was made by  
19 Dr. Cordon-Cardo, who would have to answer  
20 directly.

21 Q. Do you have any knowledge as to  
22 why that was included in the letter of  
23 termination with regard to Dr. Varughese?

24 A. No, sir.

25 Q. Should it have been?



1 PATRICK LENTO, M.D.

2 MR. McEVOY: Objection. You can  
3 answer.

4 Q. If Dr. Najfeld had a problem  
5 with Dr. Varughese's knowledge base, would  
6 you agree, just like with Julie  
7 Chepovetsky, that that's merely an  
8 opportunity for Dr. Varughese to learn?

9 A. Again, you are comparing things  
10 that I don't have complete knowledge of.

11 Q. Okay.

12 A. This is an isolated incident.

13 Q. So does it become less isolated  
14 June, the next month, when Julie has 15  
15 cases from middle to end of May that she  
16 didn't sign out?

17 A. This is a reminder that is sent  
18 out on a weekly basis to all the residents  
19 and all the attendings in the department.  
20 So while there is -- it looks like there  
21 are two residents' names here, this would  
22 just happen to be that particular week.  
23 And the so-called delay is not necessarily  
24 due to the resident.

25 Q. So if it wasn't due to the

1 PATRICK LENTO, M.D.

2 resident, why would the residents be  
3 followed up with regard to these cases?

4 A. Because the residents are  
5 assigned to the cases so we can track them  
6 and assure that appropriate patient care  
7 is rendered.

8 Q. So then why was Dr. Jordan  
9 actually naming names here if it wasn't  
10 the fault of the resident?

11 MR. McEVOY: Objection to the  
12 form. That's not what the witness said.  
13 But you can answer.

14 A. She is just stating a fact.

15 Q. Well, is it a fact that she  
16 states that "In my opinion, this  
17 behavior," referring to the residents,  
18 "and laissez-faire attitude is not only  
19 irresponsible but potentially dangerous to  
20 patients"?

21 MR. McEVOY: Are you asking is  
22 that what it says?

23 MR. WRONKO: I'm asking if it's  
24 a fact.

25 MR. McEVOY: If what is a fact?

1 PATRICK LENTO, M.D.

2 MR. WRONKO: Her expression that  
3 this behavior and laissez-faire attitude  
4 of the residents is not only irresponsible  
5 but potentially dangerous to the patient.

6 MR. McEVOY: To the extent you  
7 are asking him if that's what the document  
8 says, fine. To the extent you are asking  
9 if that's what Dr. Jordan meant or if  
10 that's what Dr. Jordan said --

11 MR. WRONKO: I'm asking if it's  
12 a fact.

13 MR. McEVOY: What?

14 MR. WRONKO: I just repeated and  
15 I'll repeat again. That this behavior and  
16 laissez-faire attitude of the residents is  
17 not only irresponsible but potentially  
18 dangerous to patients.

19 Q. You can answer.

20 MR. McEVOY: I didn't say he  
21 couldn't answer the question.

22 MR. WRONKO: Are you instructing  
23 him not to answer that question?

24 MR. McEVOY: I said I didn't say  
25 he couldn't answer the question. Pay

1 PATRICK LENTO, M.D.

2 attention.

3 A. She indicates in the email that  
4 it's her opinion.

5 Q. I want your opinion. Is it a  
6 fact?

7 A. I don't know the circumstances  
8 of the cases. So no, I can't comment.

9 Q. So certainly Dr. Jordan was  
10 placing the blame on these two residents  
11 as having laissez-faire attitudes, was she  
12 not?

13 A. It appears so.

14 Q. Turning then to Cardo Exhibit 6,  
15 does it stop being an isolated incident  
16 when you then see the chief resident then  
17 listing out all of these different  
18 problems with Julie Chepovetsky, including  
19 ignoring pages and calls and then having  
20 all of these different issues, including  
21 leaving a liver biopsy sitting in the  
22 frozen room?

23 A. Well, as specified in your  
24 referral to the liver biopsy, it was a  
25 specimen not to be examined at that point.

1 PATRICK LENTO, M.D.

2 So she just happened to leave it on the  
3 counter, perhaps, instead of putting it  
4 next to the counter. That's not an issue.

5 Q. You are downplaying that. Isn't  
6 that a potential patient care issue, the  
7 mishandling of specimens?

8 A. That's not a mishandling of a  
9 specimen.

10 Q. Just leaving it so that someone  
11 doesn't know what it's supposed to be --  
12 what is supposed to be done with the  
13 specimen?

14 A. I think you are reading into it.

15 Q. Then why is it that Dr. Jordan  
16 wrote you cannot just leave the specimen  
17 sitting on the counter in the frozen room?

18 A. You would have to ask Dr. Jordan.

19 Q. Did you follow up with  
20 Dr. Jordan with regard to her concerns  
21 here?

22 A. This was in July when Dr. Firpo  
23 had basically taken over as the director  
24 of the residency education.

25 Q. Is there a reason why you would

1 PATRICK LENTO, M.D.

2 have taken Dr. Jordan's words about the  
3 handling of specimens and any concerns  
4 relating thereto when it came to  
5 Dr. Varughese. But when it comes to Julie  
6 Chepovetsky, you are no longer taking her  
7 words or her taking her concerns very  
8 seriously?

9 MR. McEVOY: Objection to the  
10 form. Completely mischaracterizes his  
11 testimony.

12 MR. WRONKO: I don't think so.

13 A. Dr. Firpo responded to Dr. Jordan.

14 Q. Do you know whether or not  
15 Dr. Chepovetsky ultimately suffered any  
16 type of discipline, whether it be academic  
17 advisement, whether it be written warning,  
18 any type of discipline arising out of  
19 this?

20 A. I'm not aware.

21 Q. Do you know whether or not Paul  
22 Azar was missing his rotation on blood  
23 bank for significant amounts of time in  
24 August of 2011?

25 A. I believe that I was informed of

1 PATRICK LENTO, M.D.

2 the possibility and I investigated.

3 Q. What did your investigation turn  
4 up, if anything?

5 A. I believe I communicated with  
6 the director of the service, who indicated  
7 that that was not the case.

8 Q. Now, back with Julie Chepovetsky.  
9 At the time you had received that email,  
10 were you still acting as the director of  
11 the residency program?

12 A. I was the named program  
13 director.

14 Q. But were you just holding that  
15 name or had Dr. Firpo in essence  
16 supplanted you in terms of your job  
17 responsibilities?

18 A. Dr. Firpo had become the  
19 director of pathology residency education.  
20 It was at this time that I had accepted a  
21 new position elsewhere.

22 Q. So for how long did you remain  
23 with Mount Sinai after accepting a new  
24 position?

25 A. Until December.

1 PATRICK LENTO, M.D.

2 Q. So what job responsibilities  
3 upon that occurring did you maintain, as  
4 opposed to giving up to Dr. Firpo?

5 A. I continued to oversee the  
6 autopsy service and up until I believe it  
7 was near the end of November, and the same  
8 for the cardiovascular service.

9 Q. What about with regard to  
10 administration over the program, the  
11 residency program? Did you maintain any  
12 responsibilities over that?

13 A. Yes. When asked to participate  
14 in something, I did.

15 Q. But did you ever do any tasks  
16 where you were not asked to participate  
17 and you just did so out of your own  
18 initiative?

19 A. I don't recall.

20 Q. Do you recall a situation in  
21 September of 2011 where Dr. Jordan had  
22 made allegations that she was concerned to  
23 be at work because of Dr. Varughese and  
24 feared for her safety?

25 A. I don't recall that.



1 PATRICK LENTO, M.D.

2 MR. WRONKO: Let's mark this.

3 (Plaintiff's Lento Exhibit 9  
4 marked for identification.)

5 Q. Dr. Lento, I'm showing you what  
6 has been marked as Lento Exhibit 9. I'll  
7 give you a moment to review that.

8 (Witness reviews document.)

9 Q. You have had a moment to review  
10 that exhibit?

11 A. Mm-hmm.

12 Q. Did you ever review that  
13 exhibit, that email chain, prior to today?

14 A. I don't specifically recall.

15 Q. Do you recall there being an  
16 issue that Dr. Jordan had raised.

17 A. Yes. An attendance issue.

18 Q. More to the point, with regard  
19 to the issue that she had raised with  
20 regard to her own personal safety. Do you  
21 recall that issue being raised?

22 A. Well, I'm cc'd. But she is  
23 addressing her email to Dr. Firpo.

24 Q. Did you do anything with regard  
25 to that particular issue?

1 PATRICK LENTO, M.D.

2 A. Not that I recall, no.

3 Q. Why would you not have done  
4 anything with regard to that issue?

5 A. Dr. Firpo was the director of  
6 the residency education. And her email  
7 was directed specifically to him.

8 Q. Did you have any conversations  
9 with Dr. Firpo about that situation?

10 A. Not that I recall, no.

11 Q. Did you have any communications  
12 with Dr. Barnett's office?

13 A. Not that I recall, no.

14 MR. WRONKO: Let's mark this.

15 (Plaintiff's Lento Exhibit 10  
16 marked for identification.)

17 Q. I'm showing you what has been  
18 marked as Lento Exhibit 10. Do you recall  
19 sending the email that is marked as Lento  
20 Exhibit 10 to Dr. Firpo?

21 A. I don't recall sending this.

22 Q. Do you recall having any  
23 conversations with Dr. Firpo about that  
24 situation? Does this refresh your  
25 recollection?

1 PATRICK LENTO, M.D.

2 A. No, sir, it does not.

3 Q. Does this refresh your  
4 recollection of any communications with  
5 Dr. Barnett?

6 A. No.

7 Q. Do you know why you would have  
8 been sending this email to Dr. Firpo if  
9 you had relinquished your responsibilities,  
10 as you had described?

11 A. This is a suggestion. I don't  
12 know if this is in response to a question  
13 or not.

14 Q. Were you at all involved in the  
15 update of a policy on July 27, 2011, for  
16 morning conference attendance?

17 A. I don't recall.

18 Q. Do you know whether or not --  
19 first of all, do you know what I'm  
20 referring to by the update in terms of the  
21 morning conference attendance requirement?

22 A. Not the details.

23 MR. WRONKO: Let's mark this.

24 (Plaintiff's Lento Exhibit 11  
25 marked for identification.)

1 PATRICK LENTO, M.D.

2 Q. Do you recall ever seeing this  
3 document before, dated July 27, 2011?

4 A. I don't recall.

5 Q. Does this document in any way  
6 refresh your recollection as to a change  
7 in policy with regard to morning conference  
8 attendance?

9 A. Dr. Firpo, again, as the new  
10 director of education, wanted to formalize  
11 policy regarding attendance.

12 Q. Did he have to do that because  
13 of the ACGME audit that had taken place?

14 A. I don't recall that being a  
15 stipulation of the ACGME.

16 Q. The program was on probation at  
17 this point?

18 A. No, it was not. We were never  
19 put on probation.

20 Q. Are you sure about that?

21 A. We were not put on probation.

22 Q. Wasn't the program given  
23 something like 14 different citations and  
24 put on probation in 2011?

25 A. We were given citations. But

1 PATRICK LENTO, M.D.

2 that doesn't necessarily mean we were put  
3 on probation.

4 Q. Okay.

5 A. Citations were responded to.

6 Q. Do you have any knowledge with  
7 regard to residents who gave presentations  
8 pursuant to this policy when they missed  
9 the 80 percent threshold for attendance at  
10 morning conferences?

11 A. I was not involved in tracking  
12 this, no.

13 Q. Did you know whether or not a  
14 resident by the name of Blouin missed a  
15 presentation on August 25, 2011?

16 A. I don't know.

17 Q. How about Julie Chepovetsky  
18 missing a presentation on August 1, 2011?

19 A. I'm not aware.

20 Q. How about Robert Guarino  
21 canceling his presentation on  
22 September 15, 2011. Are you aware of  
23 that?

24 A. No.

25 Q. Did there come a point when

1 PATRICK LENTO, M.D.

2 Dr. Varughese in August 2011 had attempted  
3 to change her elective rotation from GI to  
4 dermatopath?

5 A. I believe she did, yes. She  
6 made a request.

7 Q. Who is Dr. Miriam Birge?

8 A. Miriam Birge is a dermpath  
9 attending in the department.

10 Q. Do you know whether or not  
11 Dr. Birge said it would be acceptable for  
12 Dr. Varughese to switch into dermatopath?

13 A. That certainly may have been the  
14 case.

15 Q. Do you know whether or not  
16 Dr. Varughese's request was denied?

17 A. Yes.

18 Q. Why was it denied?

19 A. The decision -- well, the  
20 request was made to the chief residents,  
21 who ultimately denied the request.

22 Q. Was it the chief residents who  
23 denied it or was it Dr. Firpo who denied  
24 it?

25 A. Well, initial requests generally

1 PATRICK LENTO, M.D.

2 would go to the chief resident. And if  
3 there were a problem, it might have been  
4 bumped up. But I don't know.

5 Q. What factors were considered in  
6 terms of the request being denied?

7 MR. McEVOY: Dr. Varughese's  
8 request or requests in general?

9 MR. WRONKO: Dr. Varughese's  
10 request.

11 A. I think that if the chief  
12 residents had denied it, then they  
13 obviously would have had their rationale  
14 for it.

15 Q. Did you know in August or  
16 September of 2011 what their rationale  
17 was?

18 A. Yes.

19 Q. What was their rationale?

20 A. Leena was assigned to a GI  
21 rotation, a rotation she had specifically  
22 requested. And now apparently she had  
23 asked to be changed into a different  
24 rotation, the dermpath rotation.

25 Q. Was that an issue for -- did you

1 PATRICK LENTO, M.D.

2 view that as being an issue for  
3 Dr. Varughese where it would have  
4 supported a termination of her from the  
5 program?

6 A. Making a request? No.

7 Q. Was there anything with regard  
8 to her request to be transferred from one  
9 rotation to another that would have  
10 supported a termination?

11 A. Not that I considered, no.

12 Q. Did you have communications  
13 about Dr. Varughese requesting a leave of  
14 absence?

15 A. I know that she had made a  
16 request. I don't recall specific  
17 communications.

18 Q. Do you know whether or not she  
19 had made a request for a leave of absence  
20 in September of 2011?

21 A. I was informed that she had made  
22 a request.

23 Q. Who advised you?

24 A. I believe it was Dr. Firpo.

25 Q. What did Dr. Firpo tell you



1 PATRICK LENTO, M.D.

2 about Dr. Varughese's request for a leave  
3 of absence?

4 A. From what I recall, he said that  
5 Dr. Varughese had made a request. And I  
6 believe he was investigating how to go  
7 about providing her with a leave of  
8 absence.

9 Q. Had Dr. Firpo ever advised you  
10 about any observations he made about  
11 Dr. Varughese in terms of her health that  
12 ultimately led him to say that  
13 Dr. Varughese should not be permitted to  
14 come back to Mount Sinai until she had  
15 medical clearance?

16 A. He may have. But I don't  
17 recall.

18 Q. Let me show you what was marked  
19 as Defendant's Exhibit 48. I'll give you  
20 a moment to review that.

21 (Witness reviews document.)

22 Q. Had you ever seen that  
23 particular email marked as Defendant's  
24 Exhibit 48?

25 A. No, I don't recall seeing this.

1 PATRICK LENTO, M.D.

2 Q. Did you have any communications  
3 with any of the recipients of that email  
4 about the fact that Dr. Varughese was not  
5 being permitted to return to work absent  
6 having a doctor's note?

7 A. No, I don't recall.

8 Q. Did Dr. Firpo ever express to  
9 you that when he had met with  
10 Dr. Varughese on September 15th that she  
11 had exhibited a flattened affect, very  
12 slow responses, anything along those  
13 lines?

14 A. I don't recall.

15 Q. Did he ever tell you that she  
16 gave a chaotic statement and appeared  
17 unable to cope?

18 A. I don't recall.

19 Q. Did he ever tell you that she  
20 had flickered her eyes and he thought that  
21 she might be having a petit mal seizure?

22 A. No, I don't recall.

23 Q. Were you advised at all about  
24 the basis for a request for leave of  
25 absence by Dr. Varughese?

1 PATRICK LENTO, M.D.

2 A. No. She never said anything to  
3 me, no.

4 Q. Did you think that she was  
5 faking?

6 MR. McEVOY: Objection to the  
7 form. Faking what?

8 Q. Did you think that she was  
9 faking a medical condition in order to get  
10 a leave of absence?

11 A. I had no opinion on the matter.

12 Q. Was there an upcoming conference  
13 that was a review conference for board  
14 examinations called the Osler Conference?

15 A. There may have been.

16 Q. What is the Osler Conference?

17 A. It's the Osler Review Course for  
18 residents who want to prepare for their  
19 licensing examination in pathology.

20 Q. Did you think that Dr. Varughese  
21 was attempting to use a leave of absence  
22 to be able to avoid doing her work but  
23 then to also get to attend that conference  
24 free of charge?

25 A. I don't know.

1 PATRICK LENTO, M.D.

2 MR. WRONKO: Let's mark this.

3 (Plaintiff's Lento Exhibit 12  
4 marked for identification.)

5 Q. Do you recall this email?

6 A. I do not.

7 Q. Do you know why it is that you  
8 had written this email?

9 A. Obviously, it's in response to  
10 Dr. Firpo.

11 Q. I should say, so that the record  
12 is clear, we are talking about the email  
13 that is marked as Lento Exhibit 12, which  
14 is a September 19, 2011, email sent by you  
15 to Dr. Firpo.

16 Does this refresh your  
17 recollection of being skeptical about the  
18 reason why Dr. Varughese was requesting a  
19 leave?

20 A. I guess that's what I believed  
21 at the time, yes.

22 Q. Did you believe that Dr. Varughese  
23 was malingering?

24 A. I don't know what she was doing.

25 Q. Given the fact that Dr. Firpo

1 PATRICK LENTO, M.D.

2 had testified at the hearing about his  
3 perceptions of Dr. Varughese, did he  
4 immediately contact you and shoot down  
5 this idea that she was faking it?

6 A. Well, it doesn't say that here.  
7 And I don't recall that.

8 Q. Okay. Do you know what  
9 Dr. Firpo was referring to when he wrote  
10 "This is truly incomprehensible"?

11 A. There is no attachment. So I  
12 don't know.

13 Q. Much of it has been redacted for  
14 privilege. Do you have any recollection  
15 of what was redacted?

16 A. I don't know.

17 Q. Do you know whether anyone  
18 shared in your opinion that Dr. Varughese  
19 was playing the institution by using her  
20 leave in order to attend the review course  
21 and so that she wouldn't have to perform  
22 her duties?

23 A. What was the question?

24 Q. Do you know whether anyone else  
25 shared in your belief that she was playing

1 PATRICK LENTO, M.D.

2 Mount Sinai by using her leave in order to  
3 attend the review course and not have to  
4 perform her duties?

5 A. I do not know.

6 Q. Do you know whether or not  
7 Dr. Jordan had ever gone through  
8 Dr. Varughese's desk?

9 A. I don't know.

10 MR. WRONKO: Let me show you  
11 Pessin Exhibit 16.

12 (Witness reviews document.)

13 A. I don't know what this refers  
14 to.

15 Q. Were you ever made aware of the  
16 fact that Dr. Jordan on or around  
17 August 13, 2010, had gone either on or  
18 into Dr. Varughese's desk to assess what  
19 she had in or on her desk?

20 A. I don't recall.

21 Q. Do you know whether it was  
22 appropriate for a PGY-2 to be going  
23 through a PGY-3's desk?

24 A. I can't respond to that. I  
25 don't know the circumstances of what was

1 PATRICK LENTO, M.D.

2 going on here.

3 Q. Let me show you what was marked  
4 as Defendant's Exhibit 52. I'll give you  
5 a moment to review that.

6 (Witness reviews document.)

7 Q. I'm going to see whether or not  
8 we can try to short-circuit this a little  
9 bit, because it is a long document. I  
10 want to familiarize you with the document.  
11 Let me see whether or not it will be  
12 necessary for you to read the entire  
13 document.

14 First of all, were you involved  
15 in the decision to terminate Dr. Varughese?

16 A. No.

17 Q. Did you have any involvement --  
18 strike that.

19 Do you recognize Defendant's  
20 Exhibit 52 as the September 21, 2011,  
21 notice of summary suspension termination  
22 of Dr. Varughese from the pathology  
23 residency program?

24 A. By looking at it, yes. I don't  
25 recall seeing this.

1 PATRICK LENTO, M.D.

2 Q. Did you have or play any role in  
3 terms of drafting this document?

4 A. I don't believe so.

5 Q. Were you being kept apprised of  
6 developments with regard to Dr. Varughese  
7 at that time in September?

8 A. I don't recall being advised.

9 Q. Did you know she was about to be  
10 terminated on or around September 21,  
11 2011?

12 A. No.

13 Q. Did you get word that she was  
14 terminated after it occurred?

15 A. I believe I did, yes.

16 Q. What was your reaction to that?

17 A. Sad.

18 Q. Why do you say that?

19 A. Well, this has been a long  
20 process. I think that it's sad on a  
21 number of levels. For one, you put in as  
22 a department a lot of time and effort to  
23 train a resident, a resident who had been  
24 with us for three years. And sad for the  
25 resident who obviously lost her job.



1 PATRICK LENTO, M.D.

2 Q. Wouldn't you agree with me it's  
3 more than losing a job when there is this  
4 type of termination. In essence, it's a  
5 termination of a career?

6 A. That's not for me to determine.

7 Q. Okay.

8 MR. WRONKO: Let's mark this.

9 (Plaintiff's Lento Exhibit 13  
10 marked for identification.)

11 Q. Do you recall this email  
12 exchange between yourself and Dr. Firpo?

13 A. I do not.

14 Q. You write "Initially, I never  
15 got a follow-up page to deal with Leena,  
16 so I wanted to see where we were with  
17 her."

18 If you no longer had  
19 responsibilities with regard to  
20 Dr. Varughese, why were you concerned  
21 about "where we were with her"?

22 A. Doesn't mean I wasn't interested  
23 in the resident.

24 Q. So you were just curious?

25 A. Yes.

1 PATRICK LENTO, M.D.

2 Q. Dr. Firpo writes back "Done"  
3 exclamation point. You write back "Good  
4 news" exclamation point.

5 Were you happy about this?

6 A. Good news for the department to  
7 be able to focus moving forward.

8 Q. So in part, you were happy about  
9 this situation, that she had been  
10 terminated? Is that fair to say?

11 A. For the residency training  
12 program, yes, I think that it would have  
13 had a positive impact on the residents  
14 overall.

15 Q. Is there a reason you didn't say  
16 to Dr. Firpo at this point in time when  
17 you are reflecting on the termination of a  
18 resident "You know, it's a shame we  
19 couldn't have made it work out"?

20 A. That presumes there were no  
21 other emails and that I didn't have a  
22 personal conversation with him about that.

23 Q. Was there some type of a  
24 personal conversation or other emails to  
25 that effect?

1 PATRICK LENTO, M.D.

2 A. I couldn't tell you.

3 Q. At that point in time when  
4 Dr. Varughese was terminated, were you  
5 still, under ACGME rules, the head of the  
6 residency program?

7 A. I was the named program director.

8 Q. But only in name, right?

9 A. I was the named program director.

10 Q. But, in fact, was Dr. Firpo  
11 really acting behind the scenes in that  
12 capacity?

13 MR. McEVOY: Objection to the  
14 form. You can answer.

15 A. Yes. Again, I had already  
16 accepted a position at another hospital.  
17 The announcement had already been made.  
18 And I stayed on primarily to allow for a  
19 transition of sorts, rather than up and  
20 leaving. I felt it was my responsibility  
21 to allow for a transition.

22 Q. When is it that attendings are  
23 supposed to complete their evaluations of  
24 a particular rotation?

25 A. When?

1 PATRICK LENTO, M.D.

2 Q. How long after the rotation is  
3 completed are they expected to hand in  
4 their evaluation?

5 A. Well, I think the hope would be  
6 within a couple of weeks of the rotation.

7 Q. Are you aware of an evaluation  
8 of Dr. Varughese by an Anatoly Laytin for  
9 a rotation on March 9, 2009, to May 3,  
10 2009, that wasn't submitted until  
11 December 1, 2011?

12 A. No, I'm not aware.

13 Q. Let me show you what was  
14 previously marked as Defendant's Exhibit  
15 57. I'll give you a moment to review  
16 that.

17 (Witness reviews document.)

18 Q. Have you ever seen Defendant's  
19 Exhibit 57 before?

20 A. I don't recall having seen this.

21 Q. Have you seen this type of a  
22 form before?

23 A. No, I don't recall.

24 Q. Had you ever prepared summative  
25 evaluations on behalf of anyone?

1 PATRICK LENTO, M.D.

2 A. At the end of the residency?

3 Q. Yes.

4 A. Probably, yes.

5 Q. What form did it take when you  
6 were preparing it?

7 A. I don't know if I used a form.  
8 I'll be honest with you.

9 Q. So what would you instead do?

10 A. I don't recall exactly.

11 Q. Do you know whether or not you  
12 had prepared any summative evaluations for  
13 the PGY-4 class that Dr. Varughese was a  
14 part of?

15 A. No. I left the program in  
16 December 2011. The summative evaluations  
17 would have occurred at the end of that  
18 academic year, which would have been  
19 somewhere between let's say March and May  
20 of 2012.

21 Q. Did you write a summative  
22 evaluation for Jessica French?

23 A. I don't remember when she  
24 graduated.

25 Q. She graduated 2011.

1 PATRICK LENTO, M.D.

2 A. June 2011?

3 Q. Mm-hmm.

4 A. So probably, yes.

5 Q. Do you recall what type of  
6 evaluation you gave for Jessica French?

7 A. No, sir.

8 MR. WRONKO: Let's mark this.  
9 (Plaintiff's Lento Exhibit 14  
10 marked for identification.)

11 MR. WRONKO: I don't have an  
12 extra copy. Show it to Mr. McEvoy. We  
13 can make a copy in a moment.

14 Q. Have you ever seen what has been  
15 marked as Lento Exhibit 14 before?

16 A. No.

17 Q. Does that simply -- does that  
18 email confirm the fact that when you were  
19 the residency program director, you had  
20 prepared summative evaluations?

21 A. Yes.

22 Q. And to your best recollection  
23 sitting here today, you did not use a  
24 prepared form? Would you do it in a  
25 narrative format, like a letter of

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEENA VARUGHESE,

12 Civ. 8812 (CM) (JCF)

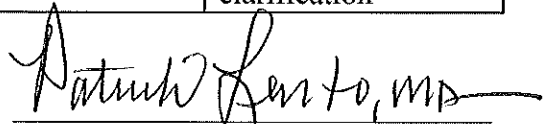
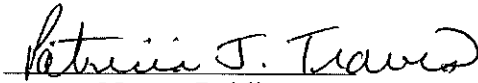
Plaintiff,

-against-

**ERRATA SHEET FOR  
THE DEPOSITION OF  
DR. PATRICK LENTO**MOUNT SINAI MEDICAL CENTER, PATRICK  
LENTO, M.D., CARLOS CORDON-CARDO,  
M.D., ADOLFO FIRPO, M.D., IRA J. BLEIWEISS,  
M.D., and ABC Corp. 1-10, and JOHN DOES 1-10,

Defendants.

<u>Page</u>	<u>Line</u>	<u>Change From</u>	<u>Change To</u>	<u>Reason</u>
30	11	At the current moment.	At the current moment, No.	Typographical error
39	2	Not that I was aware of.	Not that I recall.	Clarification
91	2	said to Dr. Maniar.	said so to Dr. Varughese	Typographical error
111	20	attending surgeon.	attending breast surgeon.	Typographical error
186	17	Mm-hmm.	Yes.	Clarification
209	18-19	So like you did not too long ago, asked her	So, just like you asked me not too long ago, I asked her.	Typographical error
300	2	I couldn't tell you.	I don't recall.	Typographical error; clarification


  
Patrick Lento
Sworn to before me this  
25<sup>th</sup> day of November, 2013

  
Notary Public
PATRICIA J. TRAVIS  
Notary Public, State of New York  
No. 4895803  
Qualified in Putnam County  
Term Expires August 3, 2017